

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, 6th January 1954.

The House met in the Assembly Chamber, Government Estate, Mount Road, at nine of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUGAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

(Starred questions postponed from the list for 5th January 1954.)
Recognition of the North Malabar P.C.C. Societies Federation.

* 297-A Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Industries and Labour be pleased to state whether the Government have received recently any memorandum from P.C.C. Societies of North Malabar, to recognize the North Malabar P.C.C. Societies Federation, and if so, what action has been taken?

THE HON. DR. U. KRISHNA RAO:—“A memorandum from the representatives of North Malabar P.C.C. Societies Federation was received by the Government in July 1953. After examination, the President of the Federation was informed that there was no sufficient reason to accord recognition to the Federation.”

SRI M. NARAYANA KURUP:—“In view of the fact that after decontrol, the existence of these societies has become very precarious and the North Malabar Societies have to meet common problems, may I know why this Government could not accord sanction to this proposal?”

THE HON. DR. U. KRISHNA RAO:—“The very reason mentioned by the hon. Member is the reason why the Government do not agree to the formation of the federation. As a result of decontrol, many of these societies, which used to thrive very well with their procurement and distribution of foodgrains, lost their chief business and as many as 38 societies have been removed from the work of distribution. The Civil Supplies Department is supervising the work of the P.C.C. Societies. We therefore felt that in addition to the supervision by the Civil Supplies Department, another supervision by the Federation would amount to dual control which at the present moment is not advisable. Further if these societies are to come under the Federation, I am advised that they should be re-registered as such.”

SRI KUNHI MOHAMED SHAFEE: Will the Government consider the appointment of a senior officer of the Co-operative Department to enquire into the matter and make suggestions to reorganize these P.C.C. Societies so that they may work on a more profitable basis?

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THE HON. DR. U. KRISHNA RAO:—"The present officer there is a senior officer and we have acted according to his advice. If the hon. Member will give me any specific suggestion for improvement, I shall consider it."

SRI V. R. KRISHNA AYYAR:—"The Hon. Minister has been pleased to point out that there were difficulties facing these co-operative societies consequent upon decontrol and non-procurement in that area. Precisely for the reason that there were difficulties for the various institutions, it was thought that those difficulties and disabilities could be removed by having an organizational unit and the federation has been formed. The formation of the federation is not unconstitutional and improper and freedom of association is guaranteed to this entity. That being so, may I know what stands in the way of the Government not recognizing this association which will enable the societies to ventilate their grievances and seek redress in an organisational form?"

THE HON. DR. U. KRISHNA RAO:—"They already possess the right of putting their grievances and seeking redress. They can even now represent their grievances to the Government. I may inform the hon. Member that the formation of the federation will not in any way increase the efficiency of the societies. Therefore I feel that that is one of the reasons why the Government think that it is not necessary to form the federation. The second likely reason—I only imagine this—is that their already depleted funds would be depleted still further by their having to pay travelling allowance to the various members who will form the office bearers of the federation."

SRI K. VINAYAKAM:—"May I know what are the qualifications prescribed for recognizing these federations and whether this particular federation lacks those qualifications?"

THE HON. DR. U. KRISHNA RAO:—"The Government think that a federation is not necessary. There is no specific qualification prescribed for the formation or recognition of a federation."

SRI M. NARAYANA KURUP:—"Is it the policy of the Government to help these societies in their difficulties or to exploit those difficulties and suppress them?"

THE HON. DR. U. KRISHNA RAO:—"It is the duty of the Government to help these societies, but the Government are firmly convinced that the formation of the federation is not the only method of helping them in their difficulties. The real help should be to increase the scope of their activities, to see that there was no defalcation and to see that they got more foodgrains for distribution. That would be a better method of helping these institutions instead of forming a federation which will involve increased expenditure and will not result in increased efficiency in their working."

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Recognition of the North Malabar P.C.C. Societies Federation.

* 297-B Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Industries and Labour be pleased to state whether Government received any request in July 1953 from the North Malabar Federation of P.C.C. Societies to accord recognition to that organization and if so, why recognition has not yet been given? 9-10 a.m.

THE HON. DR. U. KRISHNA RAO:—“ Attention is invited to the answer to Assembly Question No. 146 (Starred). (It is the same question and the answer is also the same, Sir.) ”

DR. K. B. MENON:—“ Is the depletion of the funds a sufficient reason for not forming the federation? Will not the formation of the federation enable the co-operatives to co-operatively face their problems and is it not necessary for the Government to encourage the formation of a federation rather than discourage it? ”

THE HON. DR. U. KRISHNA RAO:—“ The Government should encourage the formation of co-operative societies. Because it is a very good method by which these societies can work for the public. But we are not sure that the formation of the federation will help them to work better than the ordinary societies.”

SRI K. PARTHASARATHY:—“ Will the Hon. the Minister state whether the federation would be an institution under the Co-operative Societies Act and whether recognition is sought for the same? ”

THE HON. DR. U. KRISHNA RAO:—“ If the Government decide on allowing the federation to be formed, then the societies may have to be re-registered and as such the question does not arise at the present moment.”

Report of the Land Revenue Reforms Committee.

* 324 Q.—SRI K. R. VISWANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have finished consideration of the Subramaniam Committee Report on Land Reforms; and

(b) if so, when they are going to implement the same?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“ (a) & (b) The recommendations of the Land Revenue Reforms Committee in so far as they relate to land reforms are under active consideration and decisions are expected to be taken on them soon.”

SRI K. R. VISWANATHAN:—“ May I know whether it is a fact that the Government are delaying matters only with a view to giving time to big landlords to convert their extensive land holdings into movable belongings? ”

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THE HON. SRI M. A. MANICKAVELU NAICKER:—"No, Sir. The very fact that the Government are going to introduce the Malabar Tenancy Bill and the South Kanara Tenancy Bill here shows that the Government are proceeding slowly but steadily."

SRI S. RAMALINGAM:—"நிலச் சீர்திருத்தக் கமிட்டியின் ரிப் போர்ட்டை சர்க்கார் அமுலுக்குக் கொண்டு வருவதற்கு முன் அதிகப்படியான பேர்கள் நிலங்களிலிருந்து வெளியேற்றப்படுவது நடந்து கொண்டிருப்பதால், அந்த நிலச் சீர்திருத்தத்தைக் கொண்டு வருவதற்கு முன் அவர்களை வெளியேற்றமுமல்லிருப்பதற்குத் தகுந்த நடவடிக்கை எடுக்க அரசாங்கம் யோசிக்குமா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir. That is also considered. That is why we are going to have the South Kanara Tenancy Bill shortly."

SRI C. KANDASAMY:—"சுப்பிரமணியம் கமிட்டி சிபார்ஸின் அடிப்படையிலா இப்போது கொண்டு வரும் மலபார் டெனன்சி பில்லும் தஞ்சாவூருக்குக் கொண்டு வந்திருக்கும் குடிவாரச் சட்டமும் கொண்டு வரப்பட்டுள்ளது."

THE HON. SRI M. A. MANICKAVELU NAICKER:—"All these recommendations were considered while drafting the Bills."

SRI V. BALAKRISHNAN:—"For what length of time, this Report has been before the Government?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Only for a couple of years and this is a very short time so far as Government are concerned."

SRI M. PALANIYANDI:—"மந்திரி அவர்கள் பதில் சொல்லும் போது, கன்னடா டெனன்சி பில்லும், மலபார் டெனன்சி பில்லும், கொண்டு வரப்போவதாகக் கூறினார். தமிழ் நாட்டிற்கு எப்போது இப்படிப்பட்ட பில்லை கொண்டு வரப் போகிறார்? சீக்கிரத்தில் கொண்டு வருவதற்கு கவனிப்பாரா?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"Yes, Sir. Certainly, as early as possible."

SRI K. PARTHASARATHY:—"Are the Government aware of the suggestion in the Report that the institution of hereditary village officers is against the provisions of the Constitution? If so, are they going to take any action in the matter?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"I thought we had finished that subject yesterday or the day before. But it is being revived now. I know on that subject also there is a recommendation and that will be duly considered by the Government."

SRI K. VINAYAKAM:—"In view of the fact that one salient recommendation of the Subramaniam Committee is that a limit should be applied to the extent of one's holdings, will the Government at least give effect to that recommendation before thinking of introducing all the land reforms recommended in that Report?"

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THE HON. SRI M. A. MANICKAVELU NAICKER :—“ If that recommendation alone is taken up first, that will be like putting the cart before the horse.”

Revision of the Five-Year Plan.

* 327 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Chief Minister be pleased to state—

(a) the projects of the residuary State which have been omitted in the revised Five-Year Plan and their estimated cost in each case;

(b) the approximate amount proposed to be spent in the residuary State under the Five-Year Plan; and

(c) what are the major items therein which necessitated revision of estimates for the past two and a half years and the amount, if any, spent in excess of the estimates for those items?

THE HON. SRI C. SUBRAMANIAM (on behalf of Hon. the Chief Minister):—“ (a) to (c) The attention of the Honourable Member is invited to the answer to the Legislative Assembly Question No. 61 (Starred) by Sri Aranganathan, M.L.A., answered on 17th December 1953. The revision of the plan for the Madras State is still under consideration.”

Celebration of Vanamahotsava in 1953.

* 328 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the amount spent for the celebrations of Vanamahotsava in 1953; and

(b) how many plants were planted during this year and of those how many are alive now?

THE HON. SRI M. BHAKTAVATSALAM :—“ (a) The amount spent for the celebration of Vanamahotsava in 1953 is Rs. 8,197; and

“ (b) The number of trees planted during the year and the number reported to be surviving are as follows:—

Number of trees planted.

4,343,162

Number of trees surviving.

3,098,042

(excluding Madras, Tirunelveli and Tanjore for which figures are not available.)

The above figures represent trees planted only during the Vanamahotsava week, i.e., the first week of July. In many districts trees were continued to be planted up to 31st October for purpose of count. Figures in respect of plantings during this extended period are not readily available.”

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SRI S. DEIVASIGAMANY :—“ How many times in a year these Vanamahotsavams are celebrated? Also what is the amount spent on the celebrations and what is the amount spent on actual planting of trees? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Vanamahotsavam is celebrated only once a year and the sum of Rs. 8,197 mentioned by me in my answer was spent only for planting of trees. There has been no expenditure on any Utsavam as such. The hon. Member need not be under any misapprehension that a festival is celebrated. Only the name Utsava is given and no festival is celebrated.”

SRI M. NARAYANA KURUP :—“ Is it not a fact that every year trees are planted in the compounds of Government offices and in the same pits? ” (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM :—“ If the hon. Member gives me that information, I take it and I shall enquire how far the information is correct.”

SRI C. KANDASAMY :—“ இந்த 40 லட்சம் மரக் கன்றுகள் எங்கே இருந்து தருவிக்கப்படுகின்றன. ”

THE HON. SRI M. BHAKTAVATSALAM :—“ The Departments of Forests and Agriculture have their own nurseries and from these, the seedlings are distributed.”

SRI M. PALANIYANDI :—“ வன மகோத்சவம் என்ற வார்த்தைக்கு தமிழ் வார்த்தை கிடைக்கவில்லையா? தமிழ் வார்த்தைகளைப் போடுவதற்கு அரசாங்கம் முன் வருமா? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ I can claim that ‘ Vanamahotsava ’ is a Tamil word. We, Tamilians, adopt so many similar words and it is not right that we should coin some new word which cannot be understood by several Tamilians.”

Repairs to the tank of Mel Arungunam, Gingee taluk.

* 329 Q.—**SRI K. ARANGANATHAN** : Will the Hon. the Minister for Land Revenue be pleased to state when the last repair to the tank of Mel Arungunam, Gingee firka, Gingee taluk, South Arcot district, was done?

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ The tank was repaired during 1931-32.”

SRI K. ARANGANATHAN :—“ ஏன் 20 ஆண்டுகளாக அந்த ஏரி ஒழுங்காக இருக்கிறதா இல்லையா என்று அரசாங்கம் கவனிக்கவில்லை? ”

THE HON. SRI M. A. MANICKAVELU NAICKER :—
“ The tank is all right and needs no repair. The bund and everything else are all right except that the sluice alone is leaky. (Laughter.) Attempts were made to attend to this

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but we could not proceed with the repair since the tank was full. It is even now full and repair can only be done after the water level goes down."

SRI K. ARANGANATHAN :—" பத்து ஆண்டுகளாக அந்த ஏரிக்கு ரிபேர் செய்யவேண்டும் என்று கிராமத்தார்களிடமிருந்து மக்ஜூர் வந்திருந்தும் ஏன் அதை அரசாங்கம் கவனிக்கவில்லை ? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" I have already said that the bund is intact. It does not require repair."

Grants to the Voorhees College, Vellore.

* 330 Q.—**SRI S. DEIVASIGAMANY** (on behalf of Sri V. K. Kannan): Will the Hon. the Minister for Finance be pleased to state whether any grants are paid to the Voorhees College, Vellore, North Arcot, and if so, what amount?

THE HON. SRI C. SUBRAMANIAM :—" Yes, Sir. The amount of grant paid for 1952-53 was as follows :—

	RS.
(1) Teaching	18,228
(2) Equipment	10,000 "

Gruel centres in Chingleput district.

* 331 Q.—**SRI S. DEIVASIGAMANY**: Will the Hon. the Minister for Land Revenue be pleased to state the number of gruel centres which are now in existence in the district of Chingleput and in what places they are working?

THE HON. SRI M. A. MANICKAVELU NAICKER :—" No gruel centre is now functioning in the Chingleput district."

SRI S. DEIVASIGAMANY :—" When there are gruel centres opened in Madras City, may I know why there are no gruel centres in Chingleput which is in the neighbourhood of Madras City? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" Agricultural conditions have improved in Chingleput district. As far as the Madras City is concerned, gruel centres are necessitated more by the influx of population from districts like Chingleput also."

SRI S. DEIVASIGAMANY :—" Are we to understand that there are no unemployed persons who are starving now in Chingleput? "

THE HON. SRI M. A. MANICKAVELU NAICKER :—" There may be some unemployed persons. But as to the question of starvation, I will not take the proposition from the hon. Member."

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SRI K. VINAYAKAM:—“ In view of the answer given by the Hon. the Minister for Land Revenue, may we, the representatives of Chingleput district in this House, request him to pay a visit to Chingleput and see whether hundreds of unemployed people are not starving to death? ”

THE HON. SRI C. RAJAGOPALACHARI:—“ Is it the idea of hon. Members that the entire population should be maintained on gruel centres? ”

Constitution of ' blocks ' under the National Extension Service.

* 332 Q.—SRI A. RATNAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) how many ' blocks ' under the National Extension Service have been constituted or are proposed to be constituted in the State; and

(b) what are the functions of these blocks?

THE HON. SRI M. BHAKTAVATSALAM:—“ (a) The National Extension Service has been launched in 28 Blocks in the Madras State during the current financial year. About 70 more Blocks will be formed during the next two years.

“ (b) The Blocks aim at an integrated treatment of rural life and problems designed to increase food production, improve communications and marketing, tackle disease and illiteracy and train villagers in handicrafts essential to village life.”

9-20
a.m.

SRI A. RATNAM: —“ நேஷனல் எக்ஸ்டென்ஷன் சர்வீஸ்வேலைகள் எந்தந்த இடங்களில் ஆரம்பிக்கப்பட்டு இருக்கின்றன? இவ்வகையில் அந்த இலாகா மக்களுக்கு பயன்படுகிறதா? இதற்கு ஆரம்பத்தில் உத்தேச செலவு எவ்வளவு? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ Sir, former firka development areas in each district have been taken up this year under the National Extension Scheme with one exception in Salem district where two new firkas have been added. I have already said the object of the National Extension Scheme is to improve the standard of living of the people in the villages by particularly attending to intense agricultural production and also attending to other amenities. The approximate cost of working a National Extension Block is Rs. 7.5 lakhs for three years. Out of this the recurring expenditure will be Rs. 1.5 lakhs and non-recurring expenditure Rs. 2 lakhs. Out of Rs. 7.5 lakhs, 4 lakhs would be distributed to ryots by way of loans.”

SRI S. DEIVASIGAMANY:—“ Is there any proposal under the scheme to open a co-operative farm in any of our districts? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ Yes, Sir. We have been considering a proposal to start a co-operative farm in each of these blocks.”

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SRI A. RATNAM :— இந்த இலாக்காக்களில் எத்தனை அதிகாரிகள் நியமிக்கப்பட்டிருக்கிறார்கள்? அவர்களில் ஹரிஜனங்கள் எவ்வளவு பேர் ? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ One Block Development Officer has been appointed to be in charge of each block and there are various officers working under him. Regarding the representation of various communities, I would like to have notice.”

Recruitment of members belonging to Scheduled Castes to the posts of Deputy Collector and Deputy Superintendents of Police.

* 333 Q.—**SRI A. RATNAM :** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of seats reserved for the members of Scheduled Castes in the recent selections for Deputy Collectors and Deputy Superintendents of Police for which examinations were held during October 1952 and interviews took place in February 1953;

(b) whether these posts were given to the members of the Scheduled Castes; and

(c) whether any Christian candidates applied for the reserved seats producing certificates of reconversion to Hinduism and whether any such candidate was appointed?

THE HON. SRI M. A. MANICKAVELU NAICKER :—

“ (a) *Deputy Collectors*—‘ one ’.

Deputy Superintendent of Police—‘ two ’.

“ (b) *Deputy Collectors*.—The Madras Public Service Commission has selected a candidate belonging to the Scheduled Castes and Scheduled Tribes for appointment as Deputy Collector. As the candidate is an Andhra and as the question of his appointment is one for consideration by the Government of Andhra, the papers relating to his appointment have been transferred to the Government of Andhra for suitable action.

Deputy Superintendents of Police.—The Madras Public Service Commission selected two candidates belonging to the Scheduled Castes and Scheduled Tribes for appointment as Deputy Superintendents of Police. Of the two, one is an Andhra and the papers relating to his appointment as Deputy Superintendent of Police have been transferred to the Government of Andhra, because the question of appointment is now one for the Government of Andhra to consider. The question of appointing the other candidate in this State is under consideration.

“ (c) *Deputy Collectors*.—‘ No ’.

Deputy Superintendents of Police.—Of the two vacancies reserved for Scheduled Castes and Scheduled Tribes, one was reserved for a Telugu knowing candidate. The candidate selected against this vacancy produced a certificate

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of reconversion to Hinduism. The papers relating to his appointment as Deputy Superintendent of Police have since been transferred to the Government of Andhra, as it is now a matter for that Government to pursue."

SRI K. VINAYAKAM:—"Sir, in the light of the answer given by the Hon. Minister for Revenue, may I inform the Hon. Minister that a Deputy Superintendent of Police belonging to the Scheduled Castes at present working in Vijayavada in Andhra is not an Andhra, but a Tamilian born in Chittoor district. He is willing to come back to our service. Will the Government look into his application which has been received by the Government? Will the Government take a reasonable attitude and take him back to our service?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"The hon. Member need not worry about that. If the concerned person is a non-Andhra, the Andhra Government will take every step to send him back." (Laughter.)

SRI A. RATNAM:—"தகுதியும் திறமையும் வாய்ந்த தாழ்த்தப்பட்ட வகுப்பினர் மனுச் செய்திருக்கும்போது அவர்களை நியமிக்காமல் ஏன் கிருஸ்துவர்களை நியமித்தார்கள்? அதுமட்டுமல்ல, மைசூர் ராஜ்யத்திலிருந்து வந்த கிருஸ்துவர்களையும் தாழ்த்தப்பட்டவர்களையும் கவனிப்பதற்குக் காரணம் என்ன?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—"No Christians were selected under the guise of Scheduled Castes."

DR. K. B. MENON:—"Does the faith of a person affect his classification as a Harijan or not?"

THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member should know by now (it is very important that he should know) that the reservation in the services is reservation only for Scheduled Castes and the Christians cannot be classified as Scheduled Castes but in the case of educational concessions the Government have treated both in the same manner."

SRI M. PALANIYANDI:—"கனம் முதல் மந்திரி பதில் சொல்லும் போது வேலை நியமனம் சம்மந்தப்பட்ட மட்டும் ஷெட்யூல் காஸ்ட் என்று பிரிக்கப்படுகிறது, படிப்புச் சலுகை சம்மந்தமாக பிரிக்கப்படுவது இல்லை என்று சொன்னார். ஆனால் கிருஸ்துவ பரையர்களுக்கும் பள்ளர்களுக்கும் அரைச் சம்பளம்தான் கொடுக்கப்படுகிறது. ஆகவே கிருஸ்துவ தாழ்த்தப்பட்டவர்களை அரசாங்கம் மோசமாக நடத்துகிறது என்பதை அரசாங்கம் மறுக்க முடியுமா?"

THE HON. SRI C. RAJAGOPALACHARI:—"That is not at all correct. The hon. Member is raising a complaint with reference to educational concessions not being properly administered. I do not think we are making any bad administration in that matter. We are giving the utmost consideration to Christian converts but there are certain difficulties in dealing with them and we are doing our best. The hon. Member should appreciate our difficulties also."

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SRI V. BALAKRISHNAN :—“ Sir, are the members of the much useful Dhobi community encouraged in these appointments? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ The hon. Member knows that we have given very important concessions to that community.”

SRI C. KANDASAMY :—“ கிருஸ்துவ மதத்திலிருந்து ஹிந்து மதத்திற்கு மாறி உத்தியோகங்கள் பெற்ற பிறகு, மறுபடியும் கிருஸ்துவ மதத்திற்கு மாறினால் அவர்களை அரசாங்கம் என்ன செய்யும் ? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ The idea of giving any concession or reservation for Scheduled Class has nothing to do with the question of conversion or re-conversion. The concession is given to an applicant because he belongs to the Hindu Scheduled Castes and if he changes his religion he changes. We cannot interfere with his previous appointment. Perhaps religion has become so unimportant in the minds of some people that it can change according to the jobs secured. Special concessions lead to such abuses sometimes.”

SRI K. VINAYAKAM :—“ Sir, it is easy enough to avoid giving a direct answer without attaching any seriousness.”

THE HON. SRI C. RAJAGOPALACHARI :—“ I object to the remark, Sir.”

MR. SPEAKER :—“ We are serious.”

SRI K. VINAYAKAM :—“ May I request the Hon. Chief Minister to go into the particular question which I have raised about the Deputy Superintendent of Police belonging to the Scheduled Castes working in Nuzvid in Andhra State. His name is Mr. Munisamy. He is willing to return to Madras, since he is a non-Andhra.”

THE HON. SRI C. RAJAGOPALACHARI :—“ The hon. Member should be doubly thankful that when there is so much difficulty in getting employment, if really a Tamilian has found employment in Andhra, we should be grateful. When there is any bad treatment he will complain and we will certainly look into it.” (Laughter.)

SRI AIYANAR :—“ கல்விச் சலுகையில் கிருஸ்துவர்களுக்கு ஹரிஜன நிதியிலிருந்து அரசாங்கம் செலவு செய்யாமல் தனிப்பட்ட முறையில் நிதி ஒதுக்குமா ? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, as I have already submitted there are many difficulties involved in this matter. That is what I told in reply to Mr. Palniyandi. There are many practical difficulties involved and we are trying to do our best. Let us not divide our people more and more.”

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*Admission for cancer treatment in the General Hospital,
Madras.*

9-30 a.m. * 334 Q.—SRI P. KUNHIRAMA KIDAV: Will the Hon. the Minister for Health be pleased to state—

(a) the number of patients admitted for cancer treatment in the Madras General Hospital in 1952;

(b) how many of them came from Malabar; and

(c) whether it is a fact that a majority of the patients coming from Malabar are unable to get admission in the hospital?

THE HON. SRI A. B. SHETTY:—“(a) & (b) The number of patients admitted for cancer treatment in the Radium ward in the General Cancer Ward of the Government General Hospital, Madras, in 1952, was 408 of whom 167 patients came from Malabar.

“(c) No, Sir.”

SRI P. KUNHIRAMA KIDAV:—“Sir, in view of the large number of patients from Malabar, will the Government consider the question of opening a Cancer ward at the Kozhikode Headquarters Hospital?”

THE HON. SRI A. B. SHETTY:—“Sir, it is not possible at present. There is provision for cancer treatment in the General Hospital and the Women and Children Hospital, Madras.”

DR. K. B. MENON:—“Sir, there is a complaint that preference is shown to the patient who sees the doctor at home. Will the Hon. Minister enquire into the complaint?”

THE HON. SRI A. B. SHETTY:—“I have no information, Sir. If any specific case is brought to my notice, I shall enquire.”

SRI P. B. K. RAJACHIDAMBARAM:—“Is the Hon. Minister satisfied that the facilities in the General Hospital and the Women and Children Hospital in Madras is enough for the treatment of all cancer patients throughout the State of Madras?”

THE HON. SRI A. B. SHETTY:—“Sir, they are far from adequate. The Government will attempt to provide facilities at some more hospitals as early as possible.”

SRI K. P. GOPALAN:—“It is understood that some doctors in charge of the Cancer ward have put their agents outside and when patients come they are asked to see them first privately and pay them money and then only they get admitted. Is it a fact, Sir?”

THE HON. SRI A. B. SHETTY:—“Sir, I have no information to that effect.”

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SRI M. PALANIYANDI :—“ புற்று வியாதியஸ்தர்கள் சென்னை நகரத் திற்கு வந்துதான் சிகிச்சை செய்துகொள்ள வேண்டுமென்றிருக்கிறது. ஜில்லாக்களிலுள்ள ஏழை மக்கள் இந்த வியாதியினால் கஷ்டப்படும்போது சென்னை நகரத்திற்கு வரக்கூடிய நிலைமையில் இல்லாமல் இருக்கிறார்கள். ஆகவே, ஒவ்வொரு ஜில்லா ஆஸ்பத்திரியிலும் புற்று வியாதியைக் குணப் படுத்துவதற்கான வைத்திய வசதியைச் செய்து கொடுக்க சர்க்கார் முன் வருமா ? ”

THE HON. SRI A. B. SHETTY :—“ Sir, it is not possible at present. Cancer requires surgical treatment, radium treatment and deep X-ray treatment. It is not possible to provide all these facilities in District Headquarters Hospitals. At present, even for the X-ray plants which we have installed at the District Headquarters Hospitals for diagnostic purposes, we have not enough of properly trained men to take charge of them.”

SRI C. KANDASAMY :—“ சர்க்கார் ஜெனரல் ஆஸ்பத்திரியில் இந்த வியாதிக்கு சிகிச்சை அளிக்கக்கூடிய பகுதியில் இரக்கக்கூடிய டாக்டர்களில் எத்தனை பேர்கள் மலையாளிகள் என்பதை கனம் மந்திரி அவர்கள் தெரிவிப்பார்களா ? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ Sir, the hon. Member is paying a compliment to the Malabar people. We cannot go into it now.”

SRI V. R. KRISHNA AYYAR :—“ Sir, from the figures furnished by the Hon. Minister, it is seen that there are a large number of patients coming from Malabar and evidently Malabar is more stricken with cancer. In view of this, will the Hon. Minister see that further technical equipment is also made available in the Cancer ward started there? ”

THE HON. SRI C. RAJAGOPALACHARI :—“ The previous supplementary question referred to larger number of Malayalee doctors employed in the Cancer ward and the present question refers to larger number of cancer patients. If we transfer the cancer treatment equipment from Madras to Malabar, then the complaint will become stronger.”

SRI S. DEIVASIGAMANY :—“ Sir, is it not in the interests of the larger humanity that the specialist departments should be decentralised and this plant installed in all the districts? ”

THE HON. SRI A. B. SHETTY :—“ Sir, it is necessary to have all the specialist departments in a teaching institution. In other District Headquarters Hospitals, we are opening specialist departments as and when the required personnel become available.”

Fair price shops in the South Arcot district.

* 335 Q.—**SRI K. ARANGANATHAN :** Will the Hon. the Minister for Finance be pleased to state the total number of fair price shops in the South Arcot district on 30th June 1953; and whether any new shops were opened during the first half-year of 1953 and under what circumstances?

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THE HON. SRI C. SUBRAMANIAM:—"Two hundred and sixty-two fair price shops were functioning in the South Arcot district on 30th June 1953. No new shops were opened during the first half year of 1953."

SRI K. ARANGANATHAN:—"நியாய விலைக் கடைகளை கவனித்து கொள்வதற்கென டெபுடி தாசில்தார் கிரேட்.லுள்ள தாலூகா ஸ்பீன ஆபீசர்கள் ஏன் இருக்க வேண்டும்? அதற்குப் பதிலாக தாசில்தார்கள், தங்கள் கீழ் வேலை செய்யும் ரெவினியூ இன்ஸ்பெக்டர்களைக் கொண்டு ஏன் இந்த வேலையைக் கவனிக்கக் கூடாது?"

THE HON. SRI C. SUBRAMANIAM:—"Sir, Tahsildars and Deputy Tahsildars have got their own duties. That is why a special District Supply Officer has been appointed for the purpose of supervising these fair price shops."

Gruel centres for handloom weavers in Quilandy firka.

* 336 Q.—**SRI C. KUNHIRAMA KURUP:** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many gruel centres for handloom weavers are located in the Quilandy firka in North Malabar; and

(b) whether there are proposals to open more gruel centres for handloom weavers in Malabar?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"(a) Two gruel centres for weavers are functioning, one in Quilandy firka and another in Balusseri Salia street in Quilandy sub-taluk.

"(b) The Collector has reported that more centres are likely to be opened if and when voluntary contributions from the charitable public are forthcoming."

SRI K. T. SREEDHARAN:—"Are Government aware that three gruel centres have been closed down in Cannanore recently and is it the policy of the Government to close down these centres?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"The general policy of the Government is for closing the gruel centres progressively. But in cases where there is absolute necessity and where 50 per cent contribution is forthcoming, the Collector at his discretion will open gruel centres."

SRI R. KRISHNAN:—"മലബാറിൽ പാലക്കാട് താലൂക്കിൽ ഗ്രൂവൽ സെന്ററുകൾ ഉടഞ്ഞുവെന്നറി കലക്ടർ വല്ല ശുപാർശയും ഞയച്ചിട്ടുണ്ടോ?"

THE HON. SRI M. A. MANICKAVELU NAICKER:—

"I am glad about it, Sir."

SRI V. R. KRISHNA AYYAR:—"May I know whether the Collector has any instructions to close down progressively all the centres in Malabar district?"

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THE HON. SRI M. A. MANICKAVELU NAICKER:—
“Not particularly in Malabar district, Sir. We cannot run gruel centres all the year round.”

Construction of a bridge across the Karimpuzha river.

* 337 Q.—**SRI K. C. GOPALAN UNNI:** Will the Hon. the Minister for Public Works be pleased to state—

(a) what was the estimate for the bridge across the Karimpuzha river on the Tottenham road (Ariyur-Ottapalem road) in Walluvanad taluk, Malabar district; and

(b) whether there is any proposal for constructing the bridge at present?

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“(a) Rs. 2.5 lakhs.

“(b) The answer is in the negative.”

SRI K. C. GOPALAN UNNI:—“വളരെക്കാലമായി ജനങ്ങൾ ആവശ്യപ്പെട്ടുകൊണ്ടിരിക്കുന്ന ഈ പാലത്തിന്റെ പണി അടുത്ത ബഡ്ജറ്റിൽ ഉൾക്കൊള്ളിക്കാൻ ഗവണ്മെന്റ് ശ്രമിക്കുമോ?”

THE HON. RAJA SRI SHANMUGA RAJESWARA SETHUPATHI:—“Sir, I cannot say now whether we will be able to consider it in the next Budget. That work has a low priority.”

Reversion of Deputy Tahsildars in Tiruchirappalli district.

* 338 Q.—**SRI M. PALANIYANDI:** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether some officials who were acting as Deputy Tahsildars in Tiruchirappalli district under rule 9 (a) (i) were reverted on the ground that they were overaged;

(b) whether any persons were reverted in other districts on the same ground; and

(c) how many Harijan Deputy Tahsildars were reverted on this ground and what is the total number of Deputy Tahsildars in each district in Harijan community at present?

THE HON. SRI M. A. MANICKAVELU NAICKER:—

“(a) Yes.

“(b) Yes.

“(c) One.

One in Madurai, two in Tirunelveli and one in South Kanara. The Deputy Tahsildar in South Kanara is under orders of reversion for want of vacancy.”

SRI M. PALANIYANDI:—“திருச்சி ஜில்லாவில் வேலை செய்யும் ஹரிஜன டெபுடி தாசில்தார்கள், அவர்களுடைய கிரேடிலிருந்து கீழே இறக்கப்பட்டது உண்டா? அப்படி அவர்கள் கீழே இறக்கப்பட்டிருந்தால், அவர்களை மேல் கிரேடுக்கு உயர்த்துவதற்கு அரசாங்கம் முன் வருமா?”

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THE HON. SRI M. A. MANICKAVELU NAICKER:—

“Yes, Sir, some concession is shown in the case of Harijans and backward classes and in the matter of promotion also we take into consideration all these factors.”

Retrenchment of fieldmen in Agriculture Department.

* 339 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state whether there is any proposal to effect retrenchment in the number of fieldmen in the Madras State?

THE HON. SRI M. BHAKTAVATSALAM:—“The Government are considering the question of re-organizing the set up of the Field staff in the Agricultural department.”

SRI K. ARANGANATHAN:—“Will the Government give a guarantee that the existing fieldmen would not be sent home?”

THE HON. SRI M. BHAKTAVATSALAM:—“Sir, there are permanent fieldmen and there may be temporary hands also. So the Government cannot give any guarantee regarding their future. We are examining the whole question so as to have more field workers in order to give effective aid to the ryots.”

SRI K. VINAYAKAM:—“Sir, what are the educational and technical qualifications necessary for a fieldman and in view of the retrenchment that is pending before the Government, are we to understand that the existing fieldmen do not possess the requisite qualification?”

THE HON. SRI M. BHAKTAVATSALAM:—“Sir, I have already answered in reply to another question that S.S.L.C. candidates are recruited as fieldmen and they are given a course of training and then they are appointed as fieldmen. But we are now considering the whole proposal in order to have more maistries who would do the work without adding to the financial commitments.”

SRI K. R. SAMBANDAM:—“இந்த ‘Fieldman’ உத்தியோகத்தில் இருப்பவர்கள், வேறு உத்தியோகத்திற்கு தகுதியுள்ளவர்களாக இருந்தால், களார்க்குகளாகவும் எடுத்துக்கொள்ளுவதற்கு அரசாங்கம் முன் வருமா?”

THE HON. SRI M. BHAKTAVATSALAM:—“I can consider the suggestion, Sir.”

Number of South Indians sent back from Malaya and Ceylon.

* 340 Q.—SRI K. C. GOPALAN UNNI: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Madras Government have any details as to how many people of this State were sent back from Ceylon and Singapore from January to July 1953; and

(b) of those, how many were Tamils, Malavalees and Canarese?

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THE HON. SRI C. SUBRAMANIAM:—“(a) & (b) A statement^a furnishing the information in respect of persons sent back from Malaya and Ceylon is laid on the table of the House. No separate figures in respect of persons sent from Singapore alone are available at present.”

SRI K. C. GOPALAN UNNI:—“ഇങ്ങിനെ ജോലിയില്ലാതെ അന്യനാട്ടുകാരിൽ പോയിരിക്കുന്നവരുന്ന ആളുകൾക്കു വല്ല സഹായവും ഗവണ്മെന്റിൽനിന്നു ചെയ്തിട്ടുണ്ടോ? അതിന്നുവേണ്ടി വല്ല അപേക്ഷകളും കിട്ടിയിട്ടുണ്ടോ?”

THE HON. SRI C. SUBRAMANIAM:—“Sir, we have to look after the unemployed persons who have been remaining in India and in our own State. The unemployment of those persons (who have come from Malaya and Ceylon) is also being tackled by the Government.”

SRI V. BALAKRISHNAN:—“May I know whether these persons came back of their own accord or because they lost their citizenship in those countries?”

THE HON. SRI C. SUBRAMANIAM:—“Sir, some of them had gone there on contract for service and after the completion of the contract they have come back. But most of these persons are alleged to be illegal immigrants into Ceylon.”

Harijan Welfare centres in Malabar.

* 341 Q.—SRI K. MOIDU: Will the Hon. the Minister for Animal Husbandry be pleased to state—

9-40
a.m.

(a) the number of Harijan Welfare centres in Malabar district; and the number of students from each taluk who are getting residential scholarships; and

(b) whether the Government propose to have any centre in the Kurumbranad taluk in the Badagara firka?

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“(a) There are no such institutions as ‘Harijan Welfare Centres’. The number of residential scholarships granted during 1952-53 to the students belonging to eligible communities and Backward classes in Palghat, Kozhikode, Wynaad and Ernad taluks of Malabar district were 27, 10, 1 and 2, respectively.

“(b) Does not arise.”

SRI O. KORAN:—“Sir, as the residential scholarship amount is not sufficient to meet the boarding and lodging expenses of students, will the Government take immediate steps to enhance the amount?”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“I am unable to answer this question straightway. It all depends upon the allotment available for the next year.”

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SRI E. T. KUNHAN:—“പൊന്നാനിയിൽ എത്ര ഹരിജൻ വിദ്യാർത്ഥികൾക്കു സ്കോളർഷിപ്പുകൾ കൊടുത്തിട്ടുണ്ട് ? ”

THE HON. SRI V. C. PALANISWAMI GOUNDER:—“ A separate question may be put, Sir.”

SRI V. S. SIVAPRAKASAM:—“ Since the policy of the national Government is to abolish once for all the evil of social discrimination as between Harijans and caste Hindus in our society and since we are determined to abolish once for all in one generation this discrimination of caste existing in our society will the Government consider the desirability of permitting some of the Harijans that have come up at least to the level of the Backward classes to be included in the list of Backward classes or advanced Hindus so that the really socially and economically Backward Harijans can be benefited by the Government's scheme for their uplift? ”

THE HON. SRI C. RAJAGOPALACHARI:—“ Sir, the proposal is rather complicated and full of contradictory statements. I would like the hon. Member to send a written memorandum to me. We will examine it.”

Licence for the tapping of sweet toddy.

* 342 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Prohibition be pleased to state whether it is a fact that the Malabar District Co-operative Registrar has recently passed an order that if an ex-toddy-tapper wants to get licence from the Jaggery Co-operative Society, he has to furnish two personal sureties from two other jaggery toddy-tappers and to sign a printed form in which it is written that if one toddy-tapper or the licensee is given any punishment for any offence, all the three will have to get the punishment, and if so, what are the reasons for this new order?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—“ One of the conditions prescribed for the issue of licences to members of jaggery manufacturing co-operative societies for the tapping of sweet juice requires that every member to whom a licence is issued should produce two other tappers as sureties who should guarantee for the proper use of the licence granted to the member. This condition has not been newly introduced now but it has been in force since November 1947. The condition is necessary as a safeguard against misuse of the licences.”

SRI K. P. GOPALAN:—“ Sir, this condition is enforced recently. In view of the fact that it creates a lot of difficulties for the ex-toddy tappers to get licences and in view of the fact that it is illegal from the point of law to punish one person for a crime committed by another person, will the Government be pleased to reconsider this and veto this order? ”

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THE HON. SRI C. RAJAGOPALACHARI:—“The law does permit security being taken. It is not a case of criminal punishment but it is an assurance or recognizance taken from the sureties.”

SRI V. BALAKRISHNAN:—“Are the Government aware that in spite of the stringent conditions imposed, licences issued for the tapping of this juice are ill-used, misused and abused with the connivance of the police?”

THE HON. SRI C. RAJAGOPALACHARI:—“Sir, we have to tolerate a certain amount of cheating and fraud.” (Laughter.)

Payment of compensation to the Tiruchirappalli United Cricket Club.

* 343 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Tiruchirappalli United Cricket Club have applied for assignment of vacant land T.S. No. 399/1-D within the municipal limits of Tiruchirappalli town in Tiruchirappalli district for use as a playground;

(b) if so, when the application was made;

(c) the stage of consideration of the application;

(d) whether the original site T.S. No. 977/3 assigned to and used by the public and the Tiruchirappalli United Cricket Club has been resumed for the construction of the District Medical headquarters; and

(e) if so, when and whether any compensation was paid to the Tiruchirappalli United Cricket Club?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) Yes.

“(b) The application was made on 4th May 1949.

“(c) It was disposed of in December 1951.

“(d) Yes.

“(e) No compensation was paid to the Club.”

SRI V. BALAKRISHNAN:—“May I know how the application has been disposed of? Has any alternative site been given to the Club?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“Yes, Sir. An alternative site has been given and they have been permitted to use it.”

SRI A. RAMASAMY TEVAR:—“In view of the fact that when Rajaji was the Chief Minister, the land was given to the Tiruchirappalli United Cricket Club for use as a playground and it was subsequently taken over by the Government for the construction of the Headquarters hospital and in view of the fact that many representations were made to the Hon. Minister for Land Revenue

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when he visited Tiruchirappalli very recently, will the Hon. Minister for Land Revenue be pleased to assign permanently some land belonging to the Government in the Cantonment area for use as a playground? ”

THE HON. SRI C. RAJAGOPALACHARI:—“ The suggestion (of the previous Chief Minister) will be duly considered by the present Chief Minister.” (Laughter.)

“ *Gramavasiyin Thozhanum Panjangamum.* ”

* 344 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state when “ *Gramavasiyin Thozhanum Panjangamum* ” was published by the Agricultural Department for the year 1953–54; and when copies of the same were received at the Gingee Agriculture Demonstrator's office, South Arcot district?

THE HON. SRI M. BHAKTAVATSALAM:—“ The publication referred to by the hon. Member was published between 9th June and 7th July 1953. Copies of this publication are reported to have been received in the office of the Agricultural Demonstrator, Gingee, on 2nd September 1953.”

SRI K. ARANGANATHAN:—“ ‘கிராமவாசியின் தோழனும் பஞ்சாங்கமும்’ என்ற பஞ்சாங்கத்தில் 6 மாத பஞ்சாங்கம் காலாவதியான பிறகு ஏன் வெளியிடப்படுகிறது? இந்தக் காலதாமதம் ஏன்? இனி மேலாவது முன்கூட்டியே கிடைப்பதற்கு வேண்டிய ஏற்பாட்டை அரசாங்கம் செய்யுமா? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I am obliged to the hon. Member for bringing this to the notice of the Government through this question. The Government expected that the publication could be released by the end of March. But there has been delay, perhaps, due to printing. I may, however, tell the hon. Member that the Malayalam and Kannada publications were released in April this year. I am looking into the matter and I can assure the hon. Member that we shall take every step to see that the publications next year are released sufficiently early. I may also inform the hon. Member that even if the publication has been released after six months, it would be valuable enough because it gives six months' information to the ryots who can purchase it for two annas.”

SRI S. RAMALINGAM:—“ அந்தப் பத்திரிகையின் பெயர் ‘கிராம வாசியின் தோழன்’ என்று இருப்பதனால் அந்தப் பிரசுரம் ‘கம்யூனிஸ்ட்’ பிரசுரம் என்று ரொம்ப பேர் வாங்கி எமாந்து போவதனால், அந்தப் பெயரை மாற்றுவதற்கு அரசாங்கம் யோசிக்குமா? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ It is also called a *panjangam*. And there can be no connection between *panjangam* and Communists.”

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SRI P. B. K. RAJACHIDAMBARAM:—" Will the Hon. Minister see that at least from next year onwards this panjangan is printed on white paper with black ink instead of being printed on black paper with black ink as is being done now? "

THE HON. SRI M. BHAKTAVATSALAM:—" It is a question of additional expenditure to the Government. If my Hon. Colleague the Minister for Finance would appreciate it, I would consider the suggestion, Sir."

Number of toddy shops in the State before Prohibition.

* 345 Q.—**SRI A. RATNAM**: Will the Hon. the Minister for Prohibition be pleased to state how many toddy shops and liquor shops were functioning in the City of Madras and in the State before Prohibition?

THE HON. SRIMATHI JOTHI VENCATACHELLUM:—" The number of shops in Madras City and in the State, before Prohibition, was as follows:—

	In Madras City.	In the State.
Toddy shops ..	61	10,382
Arrack shops ..	18	5,844
Foreign liquor shops ..	175	706 "

Promotion of clerks as Sub-Registrars.

* 346 Q.—**SRI K. R. VISWANATHAN**: Will the Hon. the 9-50
Minister for Religious Endowments be pleased to state— a m.

(a) whether any list of clerks for promotion as Sub-Registrars was prepared by the Inspector-General of Registration during 1953 on the eve of the formation of the Andhra State;

(b) the number of such promotees who belong to Andhra and the residuary Madras State separately; and

(c) whether the Inspector-General of Registration was on the eve of his transfer to Andhra when he ordered these promotions?

THE HON. SRI K. VENKATASWAMI NAIDU:—" (a) Yes. A list of clerks for recruitment by transfer to the posts of Sub-Registrar was drawn up on 20th August 1953.

" (b)

Andhra State	16
Residuary State	33
Mysore State	2

" (c) The list was prepared on 20th August 1953 and the Inspector-General was transferred to the Andhra State with effect from 1st October 1953."

SRI K. R. VISWANATHAN:—" Are the Government aware that there is a Government order to the effect that no officer should, on the eve of his transfer or of leaving the job, exercise

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his power of promotion or transfer, as he is likely to abuse that power? If so, have the Government taken any action against the officer for contravening this order? ”

THE HON. SRI K. VENKATASWAMI NAIDU :—“ Under rule 2 (a) of the Madras Registration Subordinate Service, clerks of the Registration Department are recruited by transfer to the posts of Sub-Registrars, Grade II. According to item (d) of the same rule, the Inspector-General of Registration prepares from time to time a list of candidates approved for appointment as Sub-Registrars. In pursuance of this rule, the list was prepared.”

Pay of process-servers of the former Pudukkottai State.

* 347 Q.—SRI V. BALAKRISHNAN: Will The Hon. the Minister for Law be pleased to state—

(a) whether the process-servers and other similar subordinate staff in the Judicial department of the former Pudukkottai State have been absorbed from 1st January 1949 and given the Madras State scales of pay from 1st January 1949;

(b) the number of such persons in the Judicial set up of the old Pudukkottai State;

(c) the number now in the present set up; and

(d) if the Madras State scale of salaries have not been paid from 1st January 1949, the reasons for such non-payment?

THE HON. SRI K. P. KUTTIKRISHNAN NAIR :—“ (a) The answer is in the affirmative.

“ (b) Eighty-nine.

“ (c) Eighty-nine out of which 23 posts are supernumerary and are to be abolished as and when they fall vacant.

“ (d) Does not arise.”

Number of Tamilian lady doctors serving in non-Tamil areas.

* 348 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Health be pleased to state—

(a) the number of Tamilian lady doctors serving in non-Tamil areas of Madras State; and

(b) the number of non-Tamil lady doctors serving in Tamil areas of Madras State?

THE HON. SRI A. B. SHETTY :—“ (a) Two.

“ (b) Fifty.”

SRI V. BALAKRISHNAN :—“ Is it not to the advantage of patients that doctors speaking particular tongues are posted to those language areas? ”

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THE HON. SRI A. B. SHETTY:—"As far as possible, doctors are posted to their own language areas. In arriving at the figures given in the answer, Madras City also has been included. Madras City is more or less a multi-lingual area and the doctors posted here have a working knowledge of the languages spoken here."

Rearing of fishes in the Gingee taluk

* 349 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the cost incurred by the Government to rear fishes in the Gingee taluk, South Arcot district, and the amount realized from the same?

THE HON. SRI M. BHAKTAVATSALAM:—"The cost so far incurred has amounted to Rs. 1,770-1-5 and the revenue realized is Rs. 1,325-1-0."

SRI K. ARANGANATHAN:—"What are the varieties of fish that are reared?"

THE HON. SRI M. BHAKTAVATSALAM:—"I would like to have notice to give the information."

SRI A. RAMASAMI TEVAR:—"May I know whether the Hon. Minister has ever tasted fish?"

THE HON. SRI M. BHAKTAVATSALAM:—"Perhaps it may be to the disadvantage of the Fisheries department if the Minister for Fisheries is fond of fish. It is not necessary for the Minister to have tasted fish for administering the Fisheries department effectively."

SRI M. R. RAMACHANDRAN:—"May I know why the cost of production is so high?"

THE HON. SRI M. BHAKTAVATSALAM:—"I can say that it is not costly at all."

Non-payment of teaching grant to teachers in Malabar

* 350 Q.—SRI T. C. NARAYANAN NAMBIAR: Will the Hon. the Minister for Finance be pleased to state the number of teachers in Malabar who have not been paid their teaching grant since 1946 and the number of teachers who are refused payment of salary on the ground that their service registers have not been countersigned by the Deputy Inspectors of Schools concerned?

THE HON. SRI C. SUBRAMANIAM:—"The answer to the first part of the question is 'nil'. Regarding the second part, there was one such case and that also has been disposed of."

SRI V. R. KRISHNA AYYAR:—"May I know how that one case was disposed of?"

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THE HON. SRI C. SUBRAMANIAM:—"The Register was countersigned and the grant was paid."

Area in acres under groundnut.

* 351 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Agriculture be pleased to state the total number of acres under groundnut crops during the fasli years 1362 and 1363 in the residuary Madras State?

THE HON. SRI M. BHAKTAVATSALAM:—"The estimated area in acres under groundnut is—

	ACS.
Fasli 1362 (1952-53)	1,851,500
Fasli 1363 (1953-54)	1,957,000

The figures of actual area are not available."

SRI K. ARANGANATHAN:—"வட ஆற்காடு தென் ஆற்காடு ஜில்லாக்களில் 1952-53-ல் மணிலா விதை இல்லாத காரணத்தினால் மணிலா சாகுபடி மிகக் குறைவாக இருந்தது. இப்படி போதிய விதை கிடைக்காத காலங்களில் அரசாங்கம் விதை கொடுக்க ஏற்பாடு செய்யுமா?"

THE HON. SRI M. BHAKTAVATSALAM:—"That was so due to the drought conditions prevailing in those two districts. I can assure the hon. Member that the Agriculture Department will give every facility that can be given."

Subsidy for libraries in South Arcot district.

* 352 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Finance be pleased to state the total amount spent in South Arcot district as subsidy for libraries during the year 1952-53?

THE HON. SRI C. SUBRAMANIAM:—"Rupees three thousand and sixty-five."

Deaths due to alcohol.

* 353 Q.—SRI S. PAKKIRISWAMI PILLAI: Will the Hon. the Minister for Health be pleased to state—

(a) the number of cases brought to the mortuary of the Government General Hospital, Madras, in years 1952 and 1953 for post-mortem examination; and

(b) how many of the deaths were due to the drinking of illicit arrack?

THE HON. SRI A. B. SHETTY:—" (a) 604 in 1952 and 563 in 1953 (up to 20th November 1953).

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“(b) The number of cases in which death was due to alcohol and the number of cases in which death was due to other causes where alcohol was detected were 13 and 8, respectively, in 1952 and 21 and 7, respectively in 1953 (up to 20th November 1953). It is not possible to say in what form alcohol had been imbibed.”

SRI S. PAKKIRISWAMI PILLAI:—“Out of the number of deaths due to the drinking of illicit arrack, may I know how many were due to heart failure?”

THE HON. SRI A. B. SHETTY:—“I have no information.”

Appointment of Deputy Collectors as Land Acquisition Officers.

* 354 Q.—SRI K. KUNHI MOHAMED SHAFEE: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of Special Deputy Collectors with the special duties allotted to them particularly the number of such Deputy Collectors deputed for land acquisition work in the district of Malabar;

(b) the number of (1) Tahsildars and (2) Deputy Tahsildars deputed for the land acquisition work in the district of Malabar; and

(c) whether the functions of those Deputy Collectors and Tahsildars are identical?

THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) 11 and 4, respectively.

“(b) (1) 4 Special Tahsildars and (2) 8 Special Deputy Tahsildars.

“(c) The functions of the Special Deputy Collectors and Special Tahsildars appointed as Land Acquisition Officers under the Land Acquisition Act are identical.”

Reorganization of district boards.

* 355 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have considered the recommendations of the Report of the Advisory Committee for reorganization of district boards;

(b) if so, what are the results of the consideration; and if not, when it is likely to be concluded; and

(c) whether a copy of the Report of the Advisory Committee for reorganization of the district boards will be placed on the table of the House as mentioned in the Hon. Local Administration Minister's reply to starred question No. 95 at page 649 of the Official Report of the Madras Legislative Assembly Debates, dated 20th March 1953?

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THE HON. SRI K. RAJARAM:—“(a) to (c) The report is under consideration. The question of placing the report on the table of the House will be duly considered after the Government have taken their decisions.”

SRI K. ARANGANATHAN:—“For how long have the Government been considering this report?”

THE HON. SRI K. RAJARAM:—“Because of the Andhra separation and other urgent matters, this was not taken into consideration. It will be considered very early.”

SRI S. DEIVASIGAMANY:—“What is the length of time taken to consider this report?”

THE HON. SRI K. RAJARAM:—“It will be taken into consideration immediately. I do not know when the consideration will be over.”

SRI S. DEIVASIGAMANY:—“The Hon. Minister has not answered my question. My question was what was the length of time taken to consider this subject.”

THE HON. SRI K. RAJARAM:—“The report was submitted to the Government in January 1952. I think that the Government can take it into consideration next month.”

SRI P. B. K. RAJACHIDAMBARAM:—“May I know what is the difficulty in placing the report before the House? Do the Government feel that consideration by them will be affected if the report is placed before the House?”

THE HON. SRI K. RAJARAM:—“Without considering the report, how can it be placed on the table of the House? After the Government finish their consideration of the report, it will be placed on the table of the House.”

SRI V. K. RAMASWAMY MUDALIAR:—“Will the Government finish consideration of the report as early as possible and distribute copies to Members?”

THE HON. SRI K. RAJARAM:—“I have already answered this point.”

Remission of land revenue in Malabar.

* 356 Q.—SRI P. KUNHIRAMA KIDAV: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received any memorandum from the public of the recent flood-affected area in Malabar stating that they are unable to pay the rent and land revenue due to the destruction of crops; and

(b) if so, what action has been taken so far?

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THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) Besides individual applications for remission of land revenue the Kisans of Kottayam taluk led by Sri C. H. Kanaran, M.L.A., Tellicherry, submitted a memorandum to the Revenue Divisional Officer, Tellicherry, containing suggestions for relief due to floods, one of which was for exemption from payment of rent and remission. Another representation was also received from Sri K. P. Gopalan, M.L.A., requesting remission of rent and land revenue to the agriculturists of Ramanathali and other villages of Chirakkal taluk.

“(b) No action was taken by the revenue authorities with regard to exemption from payment of rent as it was a matter to be decided between the jenmis and the tenants. As regards the request for remission of land revenue the revenue authorities have been instructed to grant remission in deserving cases.”

SRI M. NARAYANA KURUP:—“Under the existing rules governing the grant of remission, one subdivision is taken as a whole. One subdivision may be in the possession of different tenants. If a subdivision contains ten acres and there is failure of crop on only one or two acres, no remission is allowable, because the entire subdivision is not affected. Will the Government please consider this matter and issue necessary instructions?”

THE HON. SRI M. A. MANICKAVELU NAICKER:—“If it is a matter for executive instruction, I will consider. If it is a matter to be dealt with by a Bill, the hon. Member will have an opportunity soon.”

SRI K. R. SAMBANDAM:—“ரெமிஷன் கொடுக்கப்பட்ட போதிலும் அந்த ரெமிஷன் ஜன்மிகளுக்கு பிரயோஜனப்படுகிறதே தவிர விவசாயிகளுக்கு பயன்படுவது இல்லை. அதற்காக கனம் மந்திரியார் அவர்கள் ஏதாவது உடனடியாக நடவடிக்கை எடுப்பார்களா?”

10
a.m.

THE HON. SRI M. A. MANICKAVELU NAICKER:—“I do not know when the hon. Member became posted with the peculiar nature of the Malabar tenure. I am myself unable to follow it fully and I am not able to understand the hon. Member also.”

Remission of land revenue in Malabar.

* 357 Q.—**SRI C. KUNHIRAMA KURUP:** Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have any proposal to sanction rent remission to those persons who have sustained damages to their crops due to floods in Malabar; and

(b) if so, in what parts of Kurumbranad taluk in North Malabar such remissions of rent will be given?

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THE HON. SRI M. A. MANICKAVELU NAICKER:—“(a) & (b) The Collector of Malabar is taking action to grant remission of land revenue in deserving cases in accordance with the provisions in the Board's Standing Orders. In all cases where land revenue has been remitted, the landlord is bound to remit the whole or proportionate rent due to him from the tenant.”

UNSTARRED QUESTIONS.

Opening of fire on mobs.

16 Q.—SRI K. ARANGANATHAN: Will the Hon. the Chief Minister be pleased to state—

(a) the total number of times fire was opened on mobs and demonstrations from 3rd May 1952 up to 1st August 1953, throughout the State;

(b) the total number of lathi charges during the abovesaid period; and

(c) the total number of rounds of fire opened during the abovesaid period?

A.—(a) to (c) During the period in question fire had to be opened on 8 (eight) occasions. The total number of rounds fired on these eight occasions all told was 54 (fifty-four). The number of occasions on which lathi charge had to be resorted to during the period was 11 (eleven). The figures furnished relate to the present State of Madras.

Statistics about rickshaws in the City.

17 Q.—SRI A. RATNAM: Will the Hon. the Minister for Finance be pleased to state—

(a) how many rickshaws are permitted by the Police Department for hire purposes in the City of Madras;

(b) how many rickshaws are holding licences given by the Corporation of Madras;

(c) whether licences are issued to the cycle rickshaws in the City;

(d) how many cycle rickshaws are constructed in the City and how many of them applied for police licences; and

(e) how many auto-rickshaws are running in the City and whether all of them are working satisfactorily?

A.—(a) The number of hand-pulled rickshaws permitted for hire is 3,750.

(b) The Corporation of Madras has issued licences to 5,627 rickshaws, which number includes both private owned vehicles and vehicles licensed under the Hackney Carriage Act.

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(c) Yes, Sir.

(d) It has not been possible to ascertain the exact number of cycle-rickshaws manufactured in the City. Two hundred and eighty cycle-rickshaws have so far been registered.

(e) One hundred and fifty-seven auto-rickshaws are in the City and they are stated to be running satisfactorily.

Punishment of Gazetted Officers for offences of corruption.

13 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Chief Minister be pleased to state—

(a) the number of Gazetted Officers who were booked for the offences of corruption during the years 1945–53;

(b) the names of the respective departments in which such officers were serving at the time of the offences;

(c) the actual salaries and allowances they were drawing at that time;

(d) how many of them were punished and how;

(e) whether any of them were prosecuted in any criminal courts; and

(f) if so, the results thereof?

A.—The attention of the hon. Member is invited to his previous starred questions No. 243, dated 14th February 1953, and No. 1940, dated 26th March 1953, on the same subject. The particulars then collected are given in the Annexure.^a The Government consider that further gathering of precise information will involve much time and labour which will not be commensurate with any good purpose, mere collection of such statistics may serve.

Defalcation in co-operative societies.

19 Q.—SRI P. RANGASWAMI REDDIAR: Will the Hon. the Minister for Industries and Labour be pleased to state—

(a) the number of cases of defalcation in the several co-operative societies in our State during the years 1952–53 that were detected; and

(b) the steps taken, if any, against the persons concerned with the defalcation and the results thereof?

A.—(a) 168.

(b) 74 out of 168 cases detected are under departmental investigation; 3 were dropped; complaints have been filed with the Police in the remaining 91 cases. Of these complaints, 28 are under police investigation, 26 ended

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either in the discharge or the acquittal of the accused persons concerned; 12 ended in conviction and the remaining 25 cases are under trial in courts.

Relief to the victims of flood in Tiruchirappalli district.

20 Q.—SRI A. RATNAM: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) what are the details of the loss by recent floods in the rivers “ Cauvery ” and “ Godavari ”;

(b) what are the immediate relief measures rendered by the Government in Tiruchirappalli and Godavari districts, respectively;

(c) the approximate number of people affected by the floods and the number of villages flooded; and

(d) the number of deaths—persons and cattle, etc., in detail?

A.—(a) to (d) In the middle of August 1953, the river “ Cauvery ” was in floods and Chintamani, which is a low-lying area in the Tiruchirappalli town, was flooded resulting in the collapse of about 25 huts out of 70. About 700 persons were rendered homeless and all of them were immediately removed to safe quarters and arrangements were made to feed them with public help. There has been no loss of human life or cattle or property other than the huts referred to above. An extent of about 1,600 acres in the villages of Chintamani, Woraiyur, Pandamangalam, Puthur, Devadanam, Kambarasampetti and Marudandakurichi lying contiguous to one another was water-logged and in Musiri taluk water-logging was reported in about 350 acres of lands in four or five villages together. During the time the floods lasted, elaborate arrangements were made with the help of local philanthropic men to feed the affected persons and the municipal authorities made satisfactory sanitary arrangements. A non-official committee was formed with the Collector as the President, the Commissioner of the Tiruchirappalli Municipality as the Secretary and the Treasury Deputy Collector as the Treasurer, to concert measures for giving relief to the people affected by the floods. In response to the appeal, a sum of Rs. 5,452 was collected. The Government also propose to sanction a sum of Rs. 3,620 for making cash grants to the persons affected by the floods.

This Government have no up-to-date and full information regarding the damage caused by the Godavari floods. In view of the formation of the Andhra State, the question of affording relief to the victims of the Godavari floods is now the concern of that State.

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Districts without Headquarters Deputy Tahsildars.

21 Q.—SRI K. ARANGANATHAN: Will the Hon. the Minister for Land Revenue be pleased to state the names of the districts where there are no Headquarters Deputy Tahsildars?

A.—North Arcot (except Vellore taluk).

South Arcot (all taluks).

Tanjore (three taluks).

Tiruchirappalli (except Tiruchirappalli taluk).

Madurai (except Madurai and Dindigul taluks).

Ramanathapuram (all taluks).

Tirunelveli (Tiruchendur and Tenkasi taluks).

Coimbatore (except Coimbatore and Erode taluks).

Salem (except Hosur, Dharmapuri, Tiruchengode and Attur taluks).

South Kanara (Coondapoor and Karkal taluks).

Malabar (Kottayam, Wynaad, Walluvanad, Cochin and Kurumbrand taluks).

The Nilgiris (Gudalur taluk).

Amount spent on relief measures in the districts.

22 Q.—SRI M. NARAYANA KURUP: Will the Hon. the Minister for Land Revenue be pleased to state the amount of money spent by the Government in six months ending with 31st August 1953 on relief measures in various districts of the State separately?

A.—A statement^a showing the amount spent on relief measures in the various districts of the State during the six months ending with 31st August 1953 is appended.

Assignment of darkhast lands in Kasaragod taluk.

23 Q.—SRI M. NARAYANAN NAMBIAR: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of darkhast petitions received by the Tahsildar of Kasaragod taluk, South Kanara district, in the years 1949, 1950, 1951, 1952 and 1953; and

(b) in how many cases assignments have been made so far?

A.—(a)

Year.	Number of darkhast applications received.			
1949	..	..	..	1,388
1950	..	..	..	3,210
1951	..	..	..	1,827
1952	..	..	..	1,411
1953 up to 31st August 1953.				1,217

(b) 114.

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Costs of jamabandi in Pudukkottai division.

24 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the costs (talukwar) of jamabandi held last year in the three taluks of Pudukkottai division, Tiruchirappalli district;

(b) the number of petitions received at the jamabandi as per each taluk;

(c) the number of petitions disposed of at the jamabandi camp itself;

(d) the number not disposed of at the camp itself and pending disposal;

(e) how many of the petitions received as per each taluk relate to irrigation works; and

(f) how many of such petitions relating to irrigation works were disposed of?

A.—

	<i>Tirumayam taluk.</i>	<i>Alangudi taluk.</i>	<i>Kolathur taluk.</i>
	Rs. 1,596-8-0	Rs. 1,380-14-0	Rs. 1,544-5-0
(a)	496	464	465
(b)	80	484	50
(c)	416	Nil	415
(d) (i) Number not disposed of at the camp itself.	Nil	Nil	49
(ii) Number still pending.	78	91	60
(e)	78	91	60
(f)			

Grant of agricultural loans in Pudukkottai division.

25 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) in a tabulated form the number of applications from each taluk of Pudukkottai division, Tiruchirappalli district, for agricultural loans of Rs. 50, Rs. 100, Rs. 150, Rs. 200, Rs. 250, Rs. 300, Rs. 350, Rs. 400, Rs. 450 and Rs. 500 and over for the year 1951-52;

(b) the number of such applications in each taluk allotted under each head which were complied with; and

(c) the number still pending disposal?

A.—(a) to (c) A statement^a containing the required particulars is appended.

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Local development works in the State.

26 Q.—SRI M. NARAYANAN NAMBIAR: Will the Hon. the Chief Minister be pleased to state—

(a) the amount sanctioned by the Planning Commission for local development works in the State;

(b) the amount allotted to each district;

(c) the amount sanctioned to each taluk in South Kanara including Hosdrug sub-taluk; and

(d) the schemes approved by the Government in each taluk in South Kanara?

A.—(a) The Government of India made a grant of Rs. 40 lakhs for local development works in the Composite Madras State. Out of this grant, the share of this State, after partition, works out to Rs. 24.69 lakhs.

(b) The grant of Rs. 24.69 lakhs allocated for this State has been distributed among the districts, except the Madras City, on a population basis by this Government. A statement^a showing the share of each district of this State is given in Annexure I.

(c) The distribution of the grant has been made only for each district and not for each taluk and sub-taluk.

(d) A statement showing the schemes sanctioned for execution in the several taluks in the South Kanara district is given in Annexure II.

Grant of takkavi loans in Malabar.

27 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many applications were received from the peasants of Malabar for takkavi loans taluk-war in 1952-53; and

(b) how many applicants were granted loans and how many were not granted; and for what reasons?

A.—(a) & (b) A statement^b is appended.

Sinking of wells under the Rural Water-supply Scheme in the Salem district.

28 Q.—SRI K. V. RAMASWAMI: Will the Hon. the Minister for Health be pleased to state—

(a) the number of wells dug so far in each taluk of Salem district under the Rural Water-supply Scheme for the year 1952-53; and

(b) what is the total amount of money spent on the same?

^a Printed as Appendix V on pages 271-273 infra.

^b Printed as Appendix VI on page 274 infra.

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4.—(a) & (b) The number of wells sunk in each taluk of the Salem district during 1952-53 and the expenditure incurred thereon are furnished below :—

Name of taluk.	Number of wells.	Amount spent. RS.
Hosur	18	23,165
Krishnagiri	11	11,026
Dharmapuri	7	10,911
Harur	12	13,438
Salem	13	6,245
Omalur	6	14,297
Tiruchengode	10	14,926
Namakkal	3	2,829
Rasipur	1	1,752
Attur	2	1,072
Total	83	99,661

Formation of Statutory Committees in the Tiruchirappalli district.

29 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Chief Minister be pleased to state—

(a) the various district committees statutorily formed by the District Collector, Tiruchirappalli, for 1951-52 and 1952-53, with their personnel and functions;

(b) the expenditure incurred on each of the committees; and

(c) the recommendations made by each of the committees and the action taken thereon?

A.—(a) No committee was statutorily formed by the Collector of Tiruchirappalli for 1951-52 and 1952-53.

(b) & (c) Do not arise.

Digging of wells by the Army units.

30 Q.—SRI V. BALAKRISHNAN: Will the Hon. the Minister for Health be pleased to state—

(a) the places in this State visited by Army Personnel in 1952 to dig or reopen drinking water wells; and

(b) the number of wells dug or deepened by them, the costs involved and the number of personnel employed?

A.—(a) The Army units were deputed to deepen wells in Ramanathapuram, Salem, Coimbatore, Madurai and Tiruchirappalli districts and they visited such areas in these districts as the Collectors indicated to them for operations.

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(b) (i) The number of wells deepened is as follows :—

Name of district.	Number of wells deepened.	RS.
Coimbatore	..	32
Salem	..	30
Tiruchirappalli ..	..	5
Madurai — ..	..	15
Ramanathapuram ..	..	15
Total ..	..	97

(ii) The cost involved was as follows :—

	RS.
Wages to mazdoors	10,893
Purchase of sundry articles ..	1,304
Rent for buildings and other incidental charges.	975
Freight charges for drums supplied by the Army and petrol charges, etc., for lorries.	25,147
Total ..	38,619

The normal cost of the Army personnel (including their pay, allowances, rations, etc.) was borne by the Government of India.

(iii) Particulars regarding the number of personnel employed are not available.

Relief to the victims of floods in Malabar.

31 Q.—SRI M. CHADAYAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of houses which were destroyed in each of the taluks by the recent floods in Malabar district;

(b) what relief was given to them;

(c) how many of them are yet to get relief; and

(d) what relief was given to the farmers who were affected by the floods?

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A.—(a) The number of houses which were destroyed or damaged in each of the taluks of the Malabar district by the recent floods were—

1 Chirakkal taluk	..	..	923
2 Kottayam taluk	..	..	79
3 Kurumbranad taluk	..	..	338
4 Wynaad taluk	..	..	..
5 Kozhikode taluk	..	..	105
6 Ernad taluk	..	..	466
7 Walluvanad taluk	..	..	11
8 Palghat taluk	..	..	..
9 Ponnani taluk	..	..	238
10 Fort Cochin taluk	..	..	..

(b) A sum of Rs. 34,568 was disbursed towards grant for the reconstruction of houses damaged or destroyed by floods.

(c) Nil.

(d) A sum of Rs. 10,000 was placed at the disposal of each of the District Agricultural Officers of North and South Malabar exclusively for the grant of loans to the agriculturists in the flood-affected areas for the purchase of seed manure. The entire amount was utilized for the purpose. In addition the Revenue authorities have been instructed to grant loans liberally under the usual takkavi rules for the reclamation of silted agricultural lands.

Number of vehicles with valid permits in Malabar.

32 Q.—SRI K. P. GOPALAN: Will the Hon. the Minister for Industries and Labour be pleased to state how many vehicles under the following categories are now in Malabar with valid permits and licences:—

- (1) Motor transport buses;
- (2) Lorries;
- (3) Private cars;
- (4) Taxi cars;
- (5) Motor transport vans;
- (6) Motor cycles;
- (7) Spare buses; and
- (8) Spare lorries.

A.—The numbers are as follows:—

Motor transport buses	..	..	358
Lorries	..	..	980
Private cars	..	..	2,238

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Taxis,	..	..	..	..	67
Motor transport vans			..	..	20
Motor cycles	..	..	..	..	199
Spare buses	..	—	..	—	63
Spare lorries	..	..	..	..	124

Translation of Madras Acts into the Malayalam language.

33 Q.—SRI V. R. KRISHNA AYYAR: Will the Hon. the Minister for Law be pleased to state—

(a) whether, at present, copies of the Acts of the Madras Legislature, translated into Malayalam, are available for sale;

(b) if so, the enactments so available now; and

(c) if not, whether the Government have under consideration any proposal to do so?

A.—(a) Translations of important Madras Acts into the Malayalam language are generally made available for sale if there is a demand for such translations; but in the case of unimportant or formal Acts, such translations are not made.

(b) A list of the enactments translated into Malayalam available with the Controller of Stationery and Printing for sale is at pages 48—58 (b) of the catalogue of Government Publications, as corrected up to the 31st December 1952, which is a priced publication. A copy of the catalogue has been placed in the Legislature Library for reference.

(c) Does not arise.

Death of children due to dysentery in Malabar.

34 Q.—SRI V. R. KRISHNA AYYAR: Will the Hon. the Minister for Health be pleased to state whether Government have information as to the number of children below 16 who died of dysentery or allied diseases in the various taluks of the Malabar district in the year 1953?

A.—No, Sir.

MR. SPEAKER:—“ Questions are over. Let me take up the next item on the agenda. The Hon. Minister for Local Administration will now move his motion.”

SRI K. R. VISWANATHAN:—“ On a point of order, Sir. In the previous session it was said that a day would be allotted for discussing the Modified Scheme of Elementary Education. May I know when we will be given an opportunity to discuss it? ”

MR. SPEAKER:—“ It is only a point of information. The hon. Member should have given previous notice of it. The Hon. the Minister for Local Administration will move his motion.”

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[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II.—GOVERNMENT MOTION.

- (1) AMENDMENT TO SCHEDULE IV TO THE MADRAS DISTRICT MUNICIPALITIES ACT, 1920 (MADRAS ACT V OF 1920).

THE HON. SRI K. RAJARAM:—“ Mr. Speaker, Sir, I beg to move—

‘ That the following draft of the rules proposed to be made by the Governor of Madras under sub-section (1) of section 305 of the Madras District Municipalities Act, 1920 (Madras Act V of 1920), for altering Schedule IV to the said Act be approved:—

DRAFT RULES.

In rule 19 of Schedule IV to the Madras District Municipalities Act, 1920—

- (1) *after sub-rule (1), the following Explanations shall be inserted, namely:—*

“ Explanation.—Where, in pursuance of section 97, a statement regarding the income of a company or the salary or income of an employed person has been furnished to the executive authority, nothing in this sub-rule shall be deemed to require that authority to serve a notice on such company or person ”;

- (2) *in sub-rule (2)—*

(a) *after the words, brackets and figure “ If a return is made as required under sub-rule (1) ”, the words and figures “ or a statement regarding the income or salary is furnished under section 97 ” shall be inserted;*

(b) *for the words “ such return ”, the words “ such return or statement ” shall be substituted;*

- (3) *in sub-rule (3), for the words, brackets and figure “ if no return is made as required under sub-rule (1), or if the executive authority is satisfied that any return so made ”, the following words, brackets and figures shall be substituted, namely:—*

“ If no return is made as required under sub-rule (1), or if no statement is furnished under section 97, or if the executive authority is satisfied that any return so made or any statement so furnished ”.

“ Sir, for the purpose of levying profession tax in municipalities, section 97 of the Madras District Municipalities Act, 1920, empowers the executive authorities of municipal councils to issue requisitions to the employers or their representatives to furnish lists of persons employed by them with information regarding the salary or income of the employees and particulars in regard to any company of which such employers are representatives or agents.

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Rule 19 of Schedule IV to the Madras District Municipalities Act casts an obligation on the executive authorities of municipal councils to serve a notice on all persons assessable to profession tax, requiring them to furnish particulars of income for purposes of assessment to profession tax. It is considered unnecessary and wasteful to ask such employees individually to submit a return of their income as the particulars can be secured from the employers under section 97 of the Act. It is accordingly proposed in the draft rule to amend rule 19 of Schedule IV to the Act so as to give the executive authority discretion to call for return of income only from persons in respect of whom it has not secured information under section 97 of the Act. With these words, Sir, I move that the draft rule be approved."

The motion was put and carried.

III.—GOVERNMENT BILL.

THE MALABAR TENANCY (AMENDMENT) BILL, 1953 (L.A. BILL NO. 12 OF 1953).

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Mr. Speaker, Sir, I beg to present the Report^a of the Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953) and move—

'That the Bill, as amended by the Joint Select Committee, be taken into consideration.'"

SRI K. P. GOPALAN:—"On a point of order, Sir, In rule 93 of the Madras Assembly Rules, it is stated that after the expiry of fifteen days from the making of the Report, the Member in charge may move that the Bill, as reported by the Select Committee, be taken into consideration."

MR. SPEAKER:—"The other day the same question was raised by some hon. Member and I told the House that I had waived notice."

* THE HON. SRI K. P. KUTTIKRISHNAN NAIR:—"Sir, I think it will be necessary to apprise the House of the changes made by the Joint Select Committee.

"The Joint Select Committee held six sittings in all, and considered the provisions of the Bill in the light of the several representations received from the various landed interests in the areas to which the Malabar Tenancy Act applied. In the Bill, as originally introduced in this House, the Committee has made certain important changes. I shall state them briefly:

"*'Ulkudi'* as defined in the original Amendment Bill referred to a hut on a dry land or garden land but not to a hut on wet land. As it was represented that in certain areas

[Sri K. P. Kuttikrishnan Nair] [6th January 1954.]

ulkudis are put up on wet lands also the Committee decided to widen the definition so as to make it applicable to ulkudis on wet lands also. Under the original Bill the holders of ulkudis situated outside Fort Cochin were not entitled to fixity of tenure and were liable to be evicted on the landlord giving them three years' notice. The Joint Select Committee thought that this provision was inadequate and decided in favour of granting fixity of tenure to all ulkudi holders, who had been in occupation of the ulkudis continuously for a period of three years.

"Sections 14 and 20 of the Malabar Tenancy Act specify the grounds on which the tenants governed by the Act can be evicted. Under clause (5) of these sections a landlord can evict a tenant if the holding is needed by him bona fide for raising crops for his own maintenance or that of his family. The Bill as originally introduced sought to provide that the landlord shall pay to the tenant on eviction a compensation equal to one year's net income derived by him from the holding. After a full and detailed consideration of all the issues involved, the Committee decided that no tenant should be rendered liable to eviction under clause (5) of section 14 or 20 if he or his family has been in occupation of the holding continuously for a period of 12 years.

"Over and above this, to define the scope of the expression '*bona fide need*' in relation to clause (5), the Committee decided to add an explanation stating that in considering requirements of maintenance, regard shall be had only to primary needs. The insertion of the explanation strengthens the position of those few tenants who may have obtained possession of the holding within the last 12 years.

"The Joint Select Committee has introduced another change in sections 14 and 20, namely, that, under clauses (5) and (6), no eviction should be allowed in favour of an alienee until after the expiry of two years from the date of the alienation in his favour.

"Another important change made by the Joint Select Committee relates to fair rent. Under section 6 of the principal Act the tenant of a wet land has to pay as fair rent, an amount equal to one-half of the annual assessment on the land, in addition to the prescribed share of the produce. The Joint Select Committee considered that the tenant should not be made liable for half the assessment and decided to delete clause (b) of section 6.

"Under the original Bill, the rent court was to be presided over by an officer not below the rank of a Revenue Divisional Officer. The Joint Select Committee thought that it would be more convenient for the tenant if Tahsildars also could be authorized to function as rent courts. Accordingly, the Committee has amended the definition of 'rent court' so that its functions may be performed by a Tahsildar also.

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“ Section 52-A of the existing Act enables any person interested in any land to apply to the Rent Settlement Authority for a declaration that a transaction entered into on or after 1st January 1916 and purporting to be a mortgage is not a mortgage, but a transaction by way of kanam, kuzhikanam, verumpattam or other lease. As the provision for the appointment of Rent Settlement Authorities is being deleted, it was proposed to delete section 52-A also in the expectation that the civil courts could decide issues of the kind covered by that section. The Joint Select Committee however thought that a specific provision was necessary and accordingly decided to insert a new section (section 11) under which any person interested in any land may claim and prove that a transaction of the kind under reference is not in fact a mortgage but one in the nature of a regular tenancy.

“ New section 52-C introduced by clause 22 of the Bill, provides that any document executed by a cultivating verumpattamdar after 28th July 1950 and before the commencement of the present Amendment Bill, purporting to affect his rights or status as tenant shall be voidable at the option of the cultivating verumpattamdar. The period of limitation applicable for a suit to avoid a document is six years under article 120 of the Limitation Act. As the six years' period is too long, this new section has been redrafted so that the tenant can claim possession of the holding by giving the landlord a registered notice within three months and thereafter, if he is not let into possession, he can file a suit for possession within the next three months.

“ The Bill as amended by the Joint Select Committee introduces a new section—section 52-D—specially applicable to the 33 villages of the South Kanara district to which the Malabar Tenancy Act applies. In these villages, the tenures are described both by the Kanarese terms such as mulgeni, kayamgeni, vaidegeni, chalgeni, etc., and the Malayalam terms such as kuzhikanam, kanam and varachit. The terms kanam, kuzhikanam, etc., have a slightly different meaning in the villages of South Kanara. The new section 52-D has therefore been introduced so that the Government may by notification apply the Act to the areas in question subject to the necessary adaptations, exceptions and modifications.

“ The mulgeni tenant in the South Kanara district now enjoys more or less absolute fixity of tenure and has more advantages than any category of tenant under the Malabar Tenancy Act. It has therefore been made clear in the Act by an amendment to the definition of 'tenant' that the Act shall not apply to a mulgenidar.

“ The Joint Select Committee has amended section 54 (3) of the principal Act to the effect that the rules issued under the Act will come into effect as soon as they are published in the *Fort St. George Gazette*.

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“ Clause 19 of the original Bill sought to extend the benefits of the Act to a mortgagee who has been in actual possession of the mortgaged land for 20 years or more by preventing his eviction except when the mortgagor required the land for his own cultivation. The Committee has deleted that clause.

“ Sir, I have now briefly summed up all the important changes introduced by the Joint Select Committee. I am sure, Sir, that all sections of this House will agree that the Bill as it has emerged from the Committee is a definite improvement on the previous Bill and confers very substantial benefits on the tenant classes in Malabar and the other areas to which it applies and which their counterparts in the other areas of the State do not enjoy. Sir, the Malabar land tenure system, as you are no doubt aware, is one of the most complicated land tenure systems in the world and consequently, in the course of its deliberations, the Joint Select Committee had to deal with several intricate issues and it was but natural that there had not been complete unanimity of opinion on some such issues. At any rate, Sir, I am glad to state that although there had not been complete unanimity, my friends opposite who served on the Committee had given their maximum co-operation and have contributed in no small measure to make the deliberations of the Committee a complete success.

“ Seven dissenting minutes by the hon. Members have been received. They deal mainly with bona fide evictions, fixation of fair rent, fixity to ulkudi holders, etc. These points were fully discussed in the deliberations of the Select Committee and it was only after taking into consideration all the aspects of the question the report of the Select Committee was finalized. The Government have decided to introduce an amendment to section 7 of the principal Act under which, for the first 12 years, the fair rent payable by the tenant shall not exceed three times the rent payable by him for the agricultural year 1949-50. Provision is also made that such increase shall be spread over a number of years so that in no year shall the rent be more than one and a half times the rent payable for the year immediately preceding. Provision is also made to enable the tenant, if he so elects, to pay the rent fixed in kind.

“ The Government are proposing an amendment to section 51 to enable the fixation of price every three months so that the complaints voiced forth on the floor of the House that the Collector has not notified the price may not be repeated hereafter. It is also decided to fix the price as the average price within those three months.

“ Sir, I hope the Bill when passed into an Act will be able to restore harmony between the landlords and the tenants. I have nothing more to add. Whatever I have to say, I will say in the course of my reply to the various points raised by the hon. Members during the discussion.”

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Mr. SPEAKER:—" Motion moved—

'That the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), as amended by the Joint Select Committee be taken into consideration.'

II.—GOVERNMENT MOTIONS—cont.

(2) MOTION UNDER PROVISIO TO RULE 24 OF THE MADRAS ASSEMBLY RULES.

THE HON. SRI C. SURRAMANIAM:—" Sir, before we proceed 10-10 a.m. to consider the Malabar Tenancy Bill, I wish to move the following motion:—

'That rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 7th January 1954.'

"I may inform the hon. Members that 9th January 1954 will be a non-official day."

Mr. SPEAKER:—" I think the Hon. Leader of the House has moved the motion in consultation with the leaders of various parties and so the House will give permission to the Government to transact official business to-morrow. The question is—

'That rule 24 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 7th January 1954.'

The motion was put and carried.

IV.—PRESENTATION OF PETITION TO THE HOUSE BY SRI P. RAMAMURTHI, M.L.A.

* SRI P. RAMAMURTHI:—" கனம் சபாநாயகர் அவர்களே, மலையாள ஜில்லாவிலிருந்து லட்சக் கணக்கான விவசாயிகள், இப்போது விவாதத்தில் எடுக்கப்பட்டிருக்கக் கூடிய இந்த மலையாள குடிவார பாத்தியதை சம்பந்தமாக அவர்களுக்கு இருக்கக்கூடிய எதிர்ப்புகளைத் தெரிவித்துக்கொள்ள ஒரு நீண்ட மகஜரை சட்ட சபைக்கும், சட்ட சபை சபாநாயகருக்கும், சட்ட சபை அங்கத்தினர்களுக்கும் இந்த சட்ட சபையின் 142-வது விதியின் கீழ் சமர்ப்பிக்க இங்கே வந்திருக்கிறார்கள். அந்த லட்சக்கணக்கான விவசாயிகளின் சார்பாக 41 பேர்களைக் கொண்ட விவசாயிகளுடைய தூது கோஷ்டி ஒன்று இப்போது இங்கே வந்திருக்கிறது. அதன்படி அவர்களால் கொடுக்கப்பட்டிருக்கும் நீண்ட மகஜர் இதோ இருக்கிறது. (சபையில் சமர்ப்பிக்கப்பட்டது.) அதன் சுருக்கம் என்ன என்பதைச் சொல்லுகிறேன்.

"மலையாளத்திலுள்ள விவசாய மக்கள் நீண்ட காலமாக போராட்டங்கள் நடத்திவந்ததன் காரணமாக, அதன் விளைவாக, 1930-ம் வருஷத்தில் இருந்ததை விட இன்றைக்கு பார்க்கும்போது சிறு சிறு மாறுதல்கள் ஏற்பட்டுள்ளன. ஆனால் இப்போது இங்கு கொண்டு வந்திருக்கும், போராட்டத்தை தொடர்ந்து நடத்தி கொண்டு வந்திருக்கும் வகையிலே ஒரு நீண்ட மகஜர் சமர்ப்பிக்கப்பட்டு, அவர்களுக்கு ஒரு நியாயமான முறை வகுக்க வேண்டுமென்று வந்துள்ளனர். நியாயம் வழங்குவதற்கு பதிலாக

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* DR. K. B. MENON:—"The hon. Leader of the Opposition knows Malayalam and English also. As this is a Bill which directly concerns Malabar, and as we Members coming from Malabar will not be in a position to understand his speech correctly if delivered in Tamil, I request him to speak in English."

MR. SPEAKER:—"The hon. Leader of the Opposition may speak in English. I have no objection if he speaks in Malayalam."

10-20
a.m.

* SRI P. RAMAMURTHI:—"I would make a departure from my practice of speaking in Tamil on this occasion because this is a very important question concerning Malabar and the representatives from Malabar in this House must be able to follow what I say."

"Sir, the petition is on behalf of the peasants of Malabar to the Hon. the Speaker and to the Legislature itself. This petition is signed by over a lakh and a half peasants distributed throughout the district of Malabar, almost in every village. The main purport of this petition is this. The petition is written in Malayalam and I shall give a gist of it in English. I am not going to make a speech on it. The petition points out that the peasants of Malabar have been struggling for long for betterment of their condition against the ravages of landlords. For nearly a century they have been struggling. It was in the year 1930 that, for the first time, a legislation was enacted called the Malabar Tenancy Act and this Act did not even touch the fringe of the problem facing the peasants of Malabar. Therefore, the agitation continued and the struggle was carried on in an organised manner from the year 1934. It was as a result of this agitation that a committee, called the Kuttikrishna Menon Committee was appointed in 1937 to enquire into the Malabar land tenures, nearly eight years after the first Act was passed."

* THE HON. SRI C. RAJAGOPALACHARI:—"Is the hon. Member strictly following the provisions of the Rules for presentation of petitions from outside bodies or is he taking part in the debate itself? If it is a question of giving the time of the House to outside bodies then I do not think that it would be a good precedent for a speech to be made on a petition presented to the House."

MR. SPEAKER:—"Rule 144 of the Assembly Rules says—

"Every member offering to present a petition to the Assembly shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition." "

THE HON. SRI C. RAJAGOPALACHARI:—"Unless the Rule is followed, it would mean that the time of the House can be taken by any outside body."

SRI P. RAMAMURTHI:—"I am not speaking on the petition but I was trying to give a gist of what it contains. I am quite aware of the Rules."

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* THE HON. SRI C. RAJAGOPALACHARI:—"You are giving a history of the agitation."

* SRI P. RAMAMURTHI:—"That is what it contains. The peasants point out in their petition that as a result of their agitation the Kuttikrishna Menon Committee was appointed. Sir, in the year 1951, another amending legislation was passed by the Legislature and even this the Government land to suspend because of the fact that the peasants and people of Malabar opposed it. Now a new Bill has been brought forward and even this does not satisfy the just demands of the peasants. They had submitted through their organisations very many amendments to the Joint Select Committee for incorporation in the Bill but unfortunately they were not accepted. They now submit that their amendments might be accepted by the House so that justice might be done to them. The petition, as I have already said, is signed by a lakh and a half peasants."

MR. SPEAKER:—"Please hand it over to the Secretary."

The petition was duly handed over to the Secretary.

* THE HON. SRI C. RAJAGOPALACHARI:—"For information, may I ask the hon. Member to tell us, since he has counted all the numbers so correctly whether the bundles here represent copies of the same printed petition?"

SRI P. RAMAMURTHI:—"Yes. Signatures have been obtained on the same form."

III—GOVERNMENT BILL—*cont.*

THE MALABAR TENANCY (AMENDMENT) BILL, 1953
(L.A. BILL NO. 12 OF 1953)—*cont.*

* SRI P. RAMAMURTHI:—"Sir, now I would like to speak on the Bill that is now before the House. This is a very important Bill in spite of the fact that it touches only a part of the State, viz., Malabar district and I hope Members who have come here from other parts of the State will evince keen interest in this Bill and take the fullest share in its discussion and voting. The question of tenancy is nothing new to this House. It has been before the House for nearly thirty years. But I would like to go a little back to the days when this struggle started. The urgency of the problem was so great in Malabar even a century ago that there were several revolts, peasant revolts in that part of the State. In 1884, there was a peasant revolt. Again in 1921, there was staged one of the biggest of revolts which was otherwise called the Moplah Rebellion. The British Government did not like the revolt to be called an agrarian revolt and tried to give it a communal turn."

* THE HON. SRI C. RAJAGOPALACHARI:—"The hon. Member probably had not much knowledge of the details of the Moplah Rebellion. That was entirely over the Khilafat question and there was a rumour circulated that a Turkish ship was waiting in the harbour and hence the rebellion."

[6th January 1954]

APPENDIX I.

[Vide answer to starred question No. 340 asked by Sri K. C. Gopalan Unni at the meeting of the Legislative Assembly held on 6th January 1954, page 197 supra.]

Statement showing the number of persons sent back from Malaya and Ceylon during the period from 1st January 1953 to 31st July 1953.

	<i>Tamils.</i>	<i>Telugus.</i>	<i>Malayalees.</i>	<i>Canarese.</i>	<i>Total.</i>
(1)	(2)	(3)	(4)	(5)	(6)
Number of persons sent back from Malaya.	275	33	9	..	317
Number of persons sent back from Ceylon.	2,633	..	12	..	2,648



APPENDIX II.

[Vide answer to unstarred question No. 18 asked by Sri P. Rangaswami Reddiar at the meeting of the Legislative Assembly held on 6th January 1954, page 209 supra.]

Number of Gazetted Officers who were booked for offences of corruption during the years 1945-53.

Number of Gazetted Officers punished and how.

Names of the departments in which they were serving.

The salaries they were drawing at the time.

Number of officers prosecuted in criminal courts and the result of the prosecutions.

(1)	(2)	(3)	(4)	(5)
178	78 as shown below :—	Agriculture, Animal Husbandry,	Below Rs. 200 ..	1 Seven officers were prosecuted
	Dismissed 15	Commercial Taxes, Civil	From Rs. 201 to 250	2 and the result of the prosecution is as shown below :—
	Removed from service. 6	Supplies, Controlled Commodities, Education, Electrical,	Do. 251 to 300	7
	Compulsorily retired .. 19	Excise including Prohibition,	Do. 301 to 350	9 Convicted 1
	Temporary appointment terminated. 1	Factories, Forest, Health,	Do. 351 to 400	14 Acquitted 3
	Reduced to lower posts. 9	Highways, Industries and	Do. 401 to 450	7 Number of cases still pending. 1
	Increments stopped and other minor punishments. 28	Commerce, Jail, Medical including Indigenous Medicine, Police, Public Works and Revenue Departments.	Do. 451 to 500	2
			Do. 501 to 600	2 Number of cases transferred to Andhra State. 2
			Do. 601 to 700	5
			Do. 701 to 800	2
			Do. 801 to 900	2
			Do. 901 to 1,000	2
			Above Rs. 1,000 ..	3
	Total .. 78		Twenty persons, the actual salary drawn by whom are not given above were drawing subsistence allowance plus dearness allowance ranging from Rs. 117-12-0 to Rs. 835.	
				Total .. 7

[6th January 1954]

APPENDIX III.

[Vide answer to unstarred question No. 22 asked by Sri M. Narayana Kurup at the meeting of the Legislative Assembly held on 6th January 1954, page 211 supra.]

Madras State—Amount spent on relief measures from 1st March to 31st August 1953.

Name of the district.	Tirunelveli.	Madurai.	Coimbatore.	Ramanathapuram.	Tiruchirappalli.	North Arcot.	South Arcot.	Chingleput.	Total.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.	RS.
Relief works—									
(1) Public Works Department—Irrigation,	35,344	..	..	56,469	..	1,63,950	1,42,591	6,07,503	10,05,047
(2) Roads—Highways	..	..	38,410	17,87,003	..	10,97,543	11,28,657	11,21,794	51,73,407
(3) Roads—District Boards	3,40,800	..	..	6,46,255	72,014	1,89,313	6,04,622	42,940	18,95,944
(4) Low Scale Famine Relief Works ..	78,990	220	20,119	28	..	..	..	..	99,357
(5) Minor Irrigation Works	1,03,198	29,902	..	5,43,931	4,74,088	2,61,233	78,734	96,239	16,24,809
					+ 37,434				
(6) Rural Water-supply Works ..	41,763	54,144	68,922	1,02,468	3,65,184	2,29,283	50,058	2,17,992	11,30,214
(7) Miscellaneous—Other Works ..	2,500	..	1,28,868	5,69,906	..	85,550	1,17,838	..	9,04,662
Total ..	6,02,585	84,268	2,56,319	37,06,060	9,48,720	20,27,322	21,22,500	20,86,468	1,18,34,240
Gruel centres—									
(1) General	..	..	1,51,231	..	..	17,571	3,307	..	1,72,109
(2) Weavers	2,99,919	20,098	3,735	1,94,099	919	52,344	1,642	..	5,72,756
Drinking Water-supply—Rs. 150 Subsidy Scheme.	54,150	..	..	31,545	..	..	..	..	85,695
Public Health measures—Transport of gifts, etc.	..	..	..	..	1,602	..	101	..	1,703

Loans—Agriculturists' Loan and Land Improvement Loans Act.	1,41,363	52,940	7,91,350	1,54,413	2,02,285	9,12,260	86,540	4,46,219	27,87,387
Deepening of wells	9,14,450	..	..	..	..	..	14,950	..	9,29,490
Pumping installation	32,000	..	..	..	..	8,900	..	5,000	45,900
Subsistence loans	..	..	13,625	..	..	..	..	..	13,625
Establishment—Famine Establishment.	5,944	..	32,791	..	..	1,518	..	..	40,258
Special Establishment—Rural Water-supply, etc.	12,288	..	27,631	7,225	16,499 + 2,806	60,000 + 16,307	9,176	10,374	1,62,306
Miscellaneous	..	..	27,161	..	24,586	..	71	..	51,818
Total ..	5,13,664	10,19,488	10,47,529	3,87,299	2,48,697	10,68,900	1,15,787	4,61,593	48,62,957
Grand total ..	11,16,249	11,03,754	13,03,848	40,93,359	11,87,417	10,96,222	29,38,287	25,48,061	1,66,97,197
									or 167 lakhs.

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APPENDIX IV.

[Vide answer to unstarred question No. 25 asked by Sri V. Balakrishnan at the meeting of the Legislative Assembly held on 6th January 1954, page 212 supra.]

Statement showing the number of loan applications received in the year 1951-52, loans sanctioned and the number still pending in each of the taluks of Pudukkottai Division.

Serial number and particulars of amount.	of Number applications.	Kolathur.			Alangudi.				Tirumayam.				
		Number sanctioned.	Number pending.	Number rejected.	(a)	(b)	(c)	(d)	(a)	(b)	(c)	(d)	*
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
1 Rs. 50 and below	3	..	..	3	..	..	..	..	..	..	..	..	..
2 „ 100 and below but above Rs. 50 ..	14	6	..	8	22	6	..	16	9	3	..	6	..
3 „ 150 do. 100 ..	24	8	..	16	33	19	..	14	31	29	..	2	..
4 „ 200 do. 150 ..	102	26	..	76	257	257	..	..	87	61	..	26	..
5 „ 250 do. 200 ..	78	53	..	25	121	118	..	3	128	69	..	59	..
6 „ 300 do. 250 ..	316	137	..	179	428	69	..	359	326	134	..	192	..
7 „ 350 do. 300 ..	42	23	..	19	99	8	..	91	67	19	..	49	..
8 „ 400 do. 350 ..	208	96	..	112	199	31	..	168	72	39	..	33	..
9 „ 450 do. 400 ..	22	1	..	21	11	2	..	9	15	15	..	..	..
10 „ 500 do. 450 ..	564	119	..	445	416	40	..	376	398	139	..	259	..
11 Above Rs. 500	..	..	..	..	3	..	..	3	7	..	..	..	..

* Sub-Collector, Pudukkottai—Nil.

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APPENDIX V.

[Vide answer to unstarred question No. 26 asked by Sri M. Narayanan Nambiar at the meeting of the Legislative Assembly held on 6th January 1954, page 213 supra.]

ANNEXURE I.

LOCAL DEVELOPMENT WORKS PROGRAMME.

Statement showing the share of each district out of the provision of Rs. 40 lakhs grant on the basis of population (excluding Madras City).

Name of the district.	Grant.
	RS.
(1) Chingleput	1,33,400
(2) North Arcot	2,05,700
(3) Salem	2,42,600
(4) Coimbatore	2,36,900
(5) South Arcot	1,99,800
(6) Tanjore	2,14,600
(7) Tiruchirappalli	2,11,800
(8) Madurai	2,08,000
(9) Ramanathapuram	1,49,700
(10) Tirunelveli	1,76,000
(11) Nilgiris	22,400
(12) South Kanara	1,25,900
(13) Malabar	3,42,300
Total	24,69,100

ANNEXURE II.

Statement showing the schemes sanctioned by the Government in the South Kanara district for execution under the local development works programme during 1953-54.

Serial number and name of the scheme.	Estimated cost.	Amount of contribution.		Amount of grant.
		From public.	From local body.	
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS.	RS.
<i>Udipi taluk.</i>				
(1) Foot-bridge across the stream at Agrabailthota in Anjar village.	3,000	1,500	..	1,500
(2) Foot-bridge at Thottam in Bada-nidiyur village.	3,000	1,500	..	1,500

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Serial number and name of the scheme.	Estimated cost.	Amount of contribution.		
		From public.	From local body.	Amount of grant.
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS.	RS.
<i>Udipi taluk—cont.</i>				
(3) Construction of a road from Kabradi to Kodavur village.	8,000	4,000	..	4,000
(4) Construction of a road from Manipal to Ambagilu.	11,700	5,850	..	5,850
(5) Construction of a road from Manipal to Udyavar.	12,000	6,000	..	6,000
(6) Construction of a pipe causeway at Bangarbetta.	20,000	5,000	5,000	10,000
(7) Improvements to Board Higher Elementary School at Hangarkatta.	4,000	1,000	1,000	2,000
(8) Construction of godown for Pudoor Multipurpose Co-operative Society at Pudoor village.	10,000	5,000	..	5,000
<i>Kasaragod taluk.</i>				
(1) Construction of a masonry foot-bridge at Muttathody.	5,000	2,500	..	2,500
(2) Construction of road from Nekraje to Paika and Karadka (7 miles).	14,000	7,000	..	7,000
(3) Road from Thekkal to Kolathur (5 miles).	20,000	10,000	..	10,000
(4) Construction of a bridge on village road from Kasaragod to Seethangady.	20,000	10,000	..	10,000
(5) Improvements to elementary school at Adoor.	4,000	1,000	1,000	2,000
(6) Construction of a godown for Multipurpose Co-operative Society at Kolthur.	5,000	2,500	..	2,500
<i>Oondapoor taluk.</i>				
(1) Construction of a village road from Byndoor Hospital to sea-shore.	3,000	750	750	1,500
(2) Repair of road and construction of culvert at Koteswar-Kodi road.	7,000	1,750	1,750	3,500
(3) Construction of a village road from Ganganad to Byndoor.	10,000	2,500	2,500	5,000
(4) Construction of a village road from Anagalli to Basnur.	10,000	2,500	2,500	5,000
(5) Improvements to District Board Elementary School at Kalavar.	14,000	3,500	3,500	7,000

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Serial number and name of the scheme.	Estimated cost.	Amount of contribution.		
		From public.	From local body.	Amount of grant.
(1)	(2)	(3)	(4)	(5)
	RS.	RS.	RS.	RS.
<i>Puttur taluk.</i>				
(1) Construction of a foot-bridge across Thapajal stream at Kelaginakere in Charvaka village.	3,738	1,869	..	1,869
(2) Improvements to Local Fund Hospital at Kadaba.	9,400	4,300	400	4,700
(3) Improvements to District Board Elementary School in Bilivalli.	1,855	950	..	905
(4) Improvements to Panja Board High School (Malnad village).	15,000	7,500	..	7,500
<i>Belthangady sub-taluk.</i>				
Construction of a foot-bridge over Bajakarasale Halla.	3,000	750	750	1,500
<i>Hosur-sub-taluk</i>				
Construction of a causeway across Edathot Channel in Maloth village.	15,000	3,750	3,750	7,500
Total ..	2,31,693	92,969	22,900	1,15,824

வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

[6th January 1954]

APPENDIX VI.

[Vide answer to unstarred question No. 27 asked by Sri K. P. Gopalan at the meeting of the Legislative Assembly held on 6th January 1954, page 213 supra.]

Details of loan applications received in 1952-53.

Taluk.	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)
		Number of loan applications received.	Number of applications in which loan was granted.	Number pending enquiry.	Number rejected.	Number of applications withdrawn.	Rejected, as loans were for liquidation of prior debts.	Security not safe and sufficient.	Not bona fide.	Transferred to others.	Documents not produced.	Application in which amount could not be disbursed by the District Agricultural Officers due to land application and want of funds.	Land not separately subdivided.	Applicant of unsound mind.
Chirakkal ..	..	276	252	2	22	9	1	4	1	4	..	3	..	..
Kottayam ..	..	440	308	..	132	1	3	10	5	..	..	113	..	..
Wynad ..	..	145	116	1	28	9	..	7	6	..	..	5	1	..
Kurumbanad ..	..	228	169	2	57	1	2	4	2	..	..	48	..	..
Kozhikode ..	..	376	160	1	215	6	..	5	6	1	..	197	..	..
Ernad ..	..	707	155	22	530	84	..	104	18	1	51	272	..	..
Walluvanad ..	..	423	217	..	206	57	..	53	47	1	..	48	..	..
Palghat ..	..	396	162	1	233	6	..	10	1	1	6	209	..	..
Ponnani ..	..	638	215	2	421	51	..	28	109	16	6	210	..	1
Gochin ..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total ..	..	3,629	1,754	31	1,844	224	6	225	195	24	63	1,105	1	1

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APPENDIX VII.

(Vide item III on page 219 supra.)

Report of the Joint Select Committee on the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953).

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Joint Select Committee appointed to consider the Malabar Tenancy (Amendment) Bill, 1953 (L.A. Bill No. 12 of 1953), has the honour to make the following report.

2. The Bill was published in English in an Extraordinary issue of the *Fort St. George Gazette*, dated the 28th March 1953, and in Malayalam in the *Fort St. George Gazette*, dated the 8th April 1953.

3. The Joint Select Committee was appointed by resolutions of the Assembly, dated 2nd April 1953, and of the Council, dated 4th April 1953.

4. The Joint Select Committee met in the Council Chamber at Fort St. George on the 1st June, 27th August, 9th and 10th October and 8th December 1953 for the consideration of the provisions of the Bill and in the Minister's Room, Government Estate, Mount Road, to-day, i.e., 26th December 1953, for passing the report.

5. The Joint Select Committee at the outset considered the necessity for enquiry in the district. The Law Minister pointed out that the amendments proposed related only to three items and there was already on record elaborate evidence on the questions and therefore there was no need to take further evidence.

6. The numerous memoranda and representations on the provisions of the Bill received from various individuals and associations were placed before the Joint Select Committee.

7. On the 27th August 1953, the Committee together with representatives of the Praja-Socialist Party and Jenmi Sangh converted itself into a kind of conference and discussed the various provisions of the Bill.

8. The more important among the changes made by the Joint Select Committee are the following:—

Clause 2.

The Committee have amended the definition of 'Rent Court' so that its functions may be performed by a Tahsildar also.

The definition of 'Ulkudi' as proposed in the Bill was confined to huts standing on dry or garden land. The Committee have made it applicable to a hut situated in a portion of any

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land in the occupation of a person who has been permitted by the person entitled to possession of such land to occupy the hut and who otherwise has no interest in such land. The definition has also been so amended as to confine only to an ulkudidār of three years' standing, the benefits given to him by this Bill.

Clause 7.

The amendment proposed in this clause was to omit ulkudi from section 9-B (relating to the fixing of fair rents for ulkudis and kudikidappus). The Committee, however, considered it necessary to retain them but made it clear that it will apply only to ulkudis for which rent is payable under the permission given to the holder thereof and that no rent shall be payable if the hut belonged to the holder of the ulkudi or kudikidappu.

Clause 14.

(Section 20 of the Act.)

The Committee agreed that the provision regarding the resumption of land by the landlord for his own maintenance [Section 14 (5)] should not be made applicable to cases where the cultivating verumpattamdar or members of his family had been continuously cultivating the land for a period of twelve years and that in considering the requirements of maintenance, regard shall be had only to primary needs. Provision has also been made to the effect that no eviction should be allowed in favour of an alienee until a lapse of twenty-four months after the date of the alienation in his favour. Section 14 of the Act has been amended accordingly.

Similar changes have also been made in section 20 of the Act.

Clause 15.

A few members of the Committee urged the need for a substantial reduction of the fair rent payable in respect of all classes of lands. After considerable discussion, it was agreed by the Committee that clause (b) of section 6 of the Act which requires the tenant to pay one half of the annual assessment payable in respect of the land might be deleted.

Clause 17.

This clause has been so amended that even outside Fort Cochin, no holder of an ulkudi or any member of his family can be evicted if he had been in possession of his ulkudi for three years unless an alternative site was given as provided in the main part of the section.

Clause 20.

This clause proposed the deletion of section 52-A. The Committee agreed to it but have inserted instead a new provision to the effect that nothing in this Act shall prevent any person in

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possession of land from claiming and proving in a civil court, that a document purporting to be a usufructuary mortgage is not a mortgage but only a *kanam*.

9. The other changes made by the Committee are all shown in the Bill, as amended, which is appended to this report.

10. Some members have given dissenting minutes and they are all appended to this report.

11. The committee considers that the Bill as amended need not be republished.

M. A. MANICKAVELU NAICKER,
Chairman.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS,
26th December 1953.

ANNEXURE.

[NOTE.—The changes made are sidelined or underlined and the portions omitted are indicated by dots..]

L.A. Bill No. 12 of 1953.

A Bill further to amend the Malabar Tenancy Act, 1929.

WHEREAS it is expedient further to amend the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930), for the purposes hereinafter appearing; it is hereby enacted as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Malabar Tenancy (Amendment) Act, 1954.

(2) It shall come into force on such date as the State Government may, by notification in the *Fort St. George Gazette*, appoint

2. *Amendment of section 3, Madras Act XIV of 1930.*—In section 3 of the Malabar Tenancy Act, 1929 (Madras Act XIV of 1930) (hereinafter referred to as the principal Act)—

(i) in clause (f), defining “Fair rent”, for the words and figures “rent as determined in accordance with the provisions of Chapter II”, the words and figures “the rent payable in accordance with the provisions of Chapter II” shall be substituted;

(ii) clause (uu) defining “Rent Settlement Authority” shall be omitted; and in lieu thereof the following shall be inserted, namely:—

“(uu) ‘Rent Court’ means in relation to any area, the Rent Court constituted under this Act for such area, and where no Rent Court has been constituted, the Revenue Divisional Officer or the Tahsildar having jurisdiction over such area, appointed by the State Government to exercise the functions of Rent Court under this Act;”

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(iii) in clause (v) defining 'tenant', the following shall be added at the end, namely:—

"but does not include a 'mulgenidar' as defined in the Mulgeni Rent Enhancement Act, 1920 (Madras Act XIII of 1920), in the villages in the South Kanara district specified in the schedule";

(iv) for clause (vv) defining 'ulkudi' or 'kudikidappu', the following clause shall be substituted, namely:—

"(vv) (i) 'Ulkudi' means a hut in any portion of a land outside Fort Cochin in the occupation of a person who has been permitted by the person entitled to possession of such land to occupy the hut and who otherwise has no interest in such land;

(ii) 'Protected ulkudi' means an ulkudi which has been in the continuous occupation of the holder or of any member of his tarwad, tavazhi, illom, kutumba, kavaru or family for not less than three years;

(iii) 'Kudikidappu' means a hut in any portion of a land in Fort Cochin in the occupation of a person who has been permitted by the person entitled to possession of such land to occupy the hut and who otherwise has no interest in such land;"

3. General amendments to Madras Act XIV of 1930 . . .

In the principal Act, for the words "Rent Settlement Authority", wherever they occur, the words "Rent Court" and for the words "Rent Settlement Authorities" in section 54 (2) (d), the words "Rent Courts" shall be substituted.

4. Amendment of section 6, Madras Act XIV of 1930.—In section 6 of the Principal Act, the brackets and letter '(a)' at the beginning of clause (a), and clause (b) shall be omitted.

5. Amendment of section 8, Madras Act XIV of 1930.—In section 8 of the principal Act—

(i) in sub-section (2), clause (a), in the first paragraph, for the words "eleventh year," the words "twelfth year" and for the words "every fifth year", the words "every sixth year" shall be substituted;

(ii) in the same sub-section and clause, in the proviso, for the words "five years" the words "six years", and for the words "fifth year" in both the places where they occur, the words "sixth year" shall be substituted;

(iii) in the same sub-section, after clause (c), the following provisos shall be added, namely:—

"Provided that nothing contained in this sub-section shall be deemed to affect any agreement in writing, registered, between the landlord and the tenant to the effect that the tenant shall pay rent for any such land every year (commencing from the seventh year after the planting of the crop), but in every

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such case the rent payable after the commencement of the Malabar Tenancy (Amendment) Act, 1954, shall not exceed one-sixth of the produce of the land for the year to which it relates:

Provided further that in the case referred to in the foregoing proviso, the assessment and local cesses referred to in clause (c) shall be paid each year by the landlord and the tenant in the same proportion in which the produce of the land is shared between them ”;

(iv) sub-section (4) shall be omitted.

6. *Amendment of section 9, Madras Act XIV of 1930.*—In section 9, clause (a), of the principal Act, after the word “ municipality ”, the words “ or cantonment ” shall be inserted.

7. *Amendment of section 9-B, Madras Act XIV of 1930.*—In section 9-B of the principal Act—

(i) for the portion beginning with the words “ Notwithstanding anything contained ” and ending with the words “ in respect of the extent thereof ”, the following shall be substituted, namely:—

“ Notwithstanding anything contained in sections 5 to 9-A in the case of a protected ulkudi or a kudikidappu, if rent be payable for the site of the protected ulkudi or the kudikidappu under the permission granted for occupation, then, fair rent shall be an amount equal to twice the annual assessment payable in respect of the extent of the site ”;

(ii) in the proviso, for the words “ where there is a hut in the ulkudi or kudikidappu belonging to the landlord, the holder of the ulkudi or kudikidappu ”, the following shall be substituted, namely:—

“ where the hut does not belong to the holder of the protected ulkudi or kudikidappu, the said holder ”;

(iii) after the words “ for the hut ” and before the words “ as may be determined ” the following words shall be inserted, namely:—

“ as may be agreed on or in the absence of agreement.”

8. *Insertion of new section 9-BB in Madras Act XIV of 1930.*—After section 9-B of the principal Act, the following section shall be inserted, namely:—

“ 9-BB. *Exclusion of certain lands from liability to fair rent.*—Notwithstanding anything contained in sections 5 to 9-B, where any land included in a holding is set apart for communal purposes, and is used as such, the extent of the land so set apart shall not be taken into account when determining the fair rent of the holding in accordance with those sections.

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9. *Substitution of new sections for section 9-C in Madras Act XIV of 1930.*—For section 9-C of the principal Act, the following sections shall be substituted, namely:—

“9-C. *Rent Courts.*—(1) The State Government may, by notification in the *Fort St. George Gazette*, constitute for any area specified therein, a Rent Court which shall be presided over by an officer not below the rank of a Tahsildar for the purpose of performing the functions entrusted to a Rent Court by this Act.

(2) In hearing an application under this Act, the Rent Court shall, so far as may be, have the same powers as are vested in, and follow the same procedure as is followed by, a Court of Small Causes hearing a suit or other proceeding under the Provincial Small Cause Courts Act, 1887 (Central Act IX of 1887), subject to the modification that the Rent Court shall have the power to depute any officer of the Revenue Department to make local enquiry and inspection and to collect data and the report and the records submitted by such officer may be read as evidence in the case.

9-CC. *Determination of fair rent by Rent Court.*—If any dispute arises as to the amount of fair rent payable in respect of any land under the foregoing provisions of this Chapter, either the tenant, or, after the expiry of three years from the commencement of the Malabar Tenancy (Amendment) Act, 1954, the landlord may apply to the Rent Court for the determination of the fair rent; and on such application being made, the fair rent shall be determined by the Rent Court:

Provided that such determination shall take effect in respect of any agricultural year, only if the application is made in that year or within three months of the expiry thereof.”

10. *Amendment of section 9-D, Madras Act XIV of 1930.*—In section 9-D of the principal Act, for the words, brackets, figures and letter “under sub-section (4) of section 8 or under sub-section (1) of section 9-C”, the words, figure and letters “under section 9CC” shall be substituted.

11. *Substitution of new section for section 9-G in Madras Act XIV of 1930.*—For section 9-G of the principal Act, the following section shall be substituted, namely:—

“9-G. *Revision of fair rent.*—The fair rent determined by the Rent Court under section 9-CC shall not be liable to be revised on the application of the landlord before the expiry of a period of twelve years from the date on which such fair rent takes effect, but may for sufficient cause be reduced by the said Court on the application of the tenant.”

12. *Repeal of section 9-H, Madras Act XIV of 1930.*—Section 9-H of the principal Act shall be repealed.

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13. *Amendment of section 10, Madras Act XIV of 1930.*—In Section 10 of the principal Act, for the words ‘an ulkudi,’ the words ‘a protected ulkudi’ shall be substituted.

14. *Insertion of new section 11 in Madras Act XIV of 1930.*—After section 10 of the principal Act, the following shall be inserted as section 11, namely:—

“11. *Right to prove real nature of transaction.*—Notwithstanding anything in the Indian Evidence Act, 1872 (Central Act I of 1872), or in any other law for the time being in force, any person interested in any land may claim, adduce evidence and prove that a transaction entered into on or after the 1st January 1916 and purporting to be a mortgage of that land is not in fact a mortgage, but a transaction by way of kanom, kanom kuzhikkanam, kuzhikanam, verum pattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 10.”

15. *Amendment of sections 14 and 20, Madras Act XIV of 1930.*—In sections 14 and 20 of the principal Act—

(1) after clause (5), the following shall be added, namely:—

“*Explanation.*—In considering requirements for maintenance, regard shall be had only to primary needs.

Exception.—Nothing in this clause shall apply to any holding which has been in the continuous occupation of the tenant or of any member of his tarwad, tavazhi, illom, kutumba, kavaru or family for not less than twelve years”.

(2) in clause (6) the word ‘*bona fide*’ occurring between the word ‘thereof’ and the words ‘for the purpose’ shall be omitted and the word ‘*bona fide*’ between the words ‘a building’ and the words “for his own residence” shall be inserted;

(3) in the second proviso—

(i) in clause (ii), for the words ‘an ulkudi’ the words ‘a protected ulkudi’ shall be substituted;

(ii) after clause (ii), the following shall be added as clause (iii), namely:—

“(iii) no person whose right to evict arises under an instrument of transfer *inter vivos* shall be entitled to sue for eviction on the ground specified in clause (5) or clause (6) until the expiry of two years from the date of the instrument.”

16. *Amendment of section 20, Madras Act XIV of 1930.*—In section 20 of the principal Act, the last proviso commencing with the words ‘Provided also’ and ending with the words ‘twelfth year thereafter’ shall be omitted.

17. *Substitution of new section for section 28, Madras Act XIV of 1930.*—For section 28 of the principal Act, the following section shall be substituted, namely:

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“28. Every cultivating tenant of a holding other than a kanamdar or customary verumpattamdar, every tenant of a commercial site who is entitled to fixity of tenure under this Act, every tenant of a kudiyruppu, every holder of a protected ulkudi and every holder of a kudikidappu shall be bound to pay to his landlord—

(a) in case fair rent has been determined under section 9-CC, such fair rent as modified in appeal, if any, under section 9-D,

(b) in case there has been no such determination, the rent agreed to by both the parties to be the fair rent payable in accordance with the provisions of sections 4 to 9-B,

(c) in case there is no such agreement, the fair rent, if any, fixed under this Act, as it stood before the commencement of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), or

(d) in case no fair rent has been fixed as aforesaid, the rent payable according to the contract, express or implied between the parties:

Provided that in the case mentioned in clause (a), where there is a contract, the tenant shall, until the expiration of the period of contract, pay at his choice, either the contract rent or the fair rent and shall thereafter pay the fair rent.”

18. *Amendment of section 29, Madras Act XIV of 1930.*—In section 29, sub-section (2) of the principal Act, for the word ‘municipality’ in the two places where it occurs, the words ‘municipality or cantonment’ shall be substituted.

19. *Substitution of new section for section 35 in Madras Act XIV of 1930.*—For section 35 of the principal Act, the following section shall be substituted, namely:—

“35. *Landlords’ rights in relation to protected ulkudi and kudikidappu.*—In the case of a protected ulkudi or a kudikidappu, the person entitled to possession of the land in which the protected ulkudi or the kudikidappu is situate shall be entitled to provide an alternative and suitable site of equal area in any other portion of the same land or in any other land at his disposal in the same revenue village and the holder of the protected ulkudi or kudikidappu shall be bound to accept the arrangement and be entitled to receive from the person providing the alternative site the expenses reasonably required to shift to the said site.”

20. *Amendment of section 39, Madras Act XIV of 1930.*—In section 39, sub-section (1), of the principal Act, in the proviso, for the words ‘an ulkudi’ the words ‘a protected ulkudi’ shall be substituted.

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21. *Repeal of section 52-A, Madras Act XIV of 1930.*—Section 52-A of the principal Act is hereby replaced.

22. *Insertion of new sections 52-C and 52-D in Madras Act XIV of 1930.*—After section 52-B of the principal Act, the following sections shall be inserted, namely:—

“ 52-C. *Surrender deeds executed by tenants previously not to affect their rights in certain cases.*—(1) Subject to the provisions of sub-section (2), any document executed by a cultivating verumpattamdar after the 28th July 1950 and before the commencement of the Malabar Tenancy (Amendment) Act 1954, purporting to affect his rights or status as tenant shall be voidable at the option of the cultivating verumpattamdar:

Provided that the landlord or his successor-in-interest has not admitted any other tenant to the possession of the land before the 28th March 1953.

(2) Any person entitled to rescission of a document under the provisions of sub-section (1) shall within three months of the commencement of the Malabar Tenancy (Amendment) Act, 1953, send a notice by registered post to the landlord demanding possession of the land. On such notice being sent, the cultivating verumpattamdar shall be entitled to be restored to possession of the land as if no such document had been executed and he shall have all the rights (including the right to dispossess any other person who has been let into possession of the land . . . on or after the 28th March 1953) of a cultivating verumpattamdar as if he had been in possession as such verumpattamdar on the date of commencement of the Malabar Tenancy (Amendment) Act, 1954, and shall become liable to restore to the landlord any money or other consideration received from him under the document.

(3) A person who has sent a notice under sub-section (2), may institute a suit for possession of the land within six months of the commencement of the Malabar Tenancy (Amendment) Act, 1954, against the landlord and any person let into possession of the land on or after the 28th March 1953. The Court shall, in such suit, on proof of the facts stated in sub-section (1) pass a decree for possession:

Provided that, if the plaintiff has received any money or other consideration under the document from the landlord, the Court shall make the execution of such decree conditional on the restoration of such money or the money equivalent of such consideration with such interest as the Court may deem just.

(4) The right conferred by sub-sections (1), (2) and (3) are personal to the cultivating verumpattamdar who executed the document and cannot be exercised by any person claiming to be such cultivating verumpattamdar's successor-in-interest as heir, assignee or otherwise:

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Provided that, if such cultivating verumpattamdar dies during the pendency of a suit instituted by him under sub-section (3) such suit may be continued by his legal representative subject to the defences available against the original plaintiff.

52-D. *Special provision for application of the Act to tenures prevailing in South Kanara district.*—If any difficulty arises in the application of the provisions of this Act as amended by the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), and the Malabar Tenancy (Amendment) Act, 1954, to the villages of South Kanara district to which this Act applies, on account of local variations between the tenures prevailing in the said villages (by whatever name such tenures may be known) and the corresponding tenures prevailing in the Malabar district, the State Government may, by notification published in the *Fort St. George Gazette*, direct that the said provisions shall apply to the aforesaid villages of South Kanara district subject to such adaptations, exceptions and modifications as may be specified in this behalf in such notification."

23. *Amendment of section 54, Madras Act XIV of 1930.*—In section 54 of the principal Act, for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The rules made under this Act shall, on publication in the *Fort St. George Gazette*, have effect as if enacted in this Act. The rules shall be placed on the table of the Legislative Assembly of the State as soon as possible after they are published and shall be subject to such modifications whether by way of repeal or amendment as the Assembly may make during the session in which they are so laid."

24. *Amendment of section 53, Madras Act XXXIII of 1951.*—In section 53 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951)—

(i) for the words "from the commencement of this Act", the words, brackets and figures "from the commencement of the Malabar Tenancy (Amendment) Act, 1954", and for the words and figures "six agricultural years beginning with 1944-45 and ending with 1949-50", the words and figures "six agricultural years beginning with 1947-48 and ending with 1952-53" shall be substituted;

(ii) after the words "as amended by this Act", the words, brackets and figures "and the Malabar Tenancy (Amendment) Act, 1954" shall be inserted;

(iii) for the words "any arrears of rent", the words "any outstanding arrears of rent" shall be substituted.

25. *Repeal of Madras Act XXIV of 1949 in its application to the Malabar district and of sections 54 and 55 of Madras Act XXXIII of 1951.*—(1) The Madras Tenants and Ryots Protection Act, 1949 (Madras Act XXIV of 1949), in so far as it applies to the district of Malabar, the Gudalur taluk of the Nilgiri district

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and the villages in the South Kanara district which are specified in the Schedule to the principal Act, and sections 54 and 55 of the Malabar Tenancy (Amendment) Act, 1951 (Madras Act XXXIII of 1951), are hereby repealed.

(2) All suits, appeals and other proceedings (other than proceedings in execution of a decree or order) which are pending at the commencement of this Act and in respect of the subject-matter of which the provisions of the Malabar Tenancy Act, 1929, are in force, shall, from and after such commencement, be disposed of in accordance with the provisions of the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act:

Provided that in any such suit or proceeding, the court may award full costs to the plaintiff or applicant if it is satisfied that the claim made in the suit or proceeding was in accordance with the law in force at the time of the institution of such suit or proceeding.

(3) Where the execution of a decree or order stands stayed under the Madras Tenants and Ryots Protection Act, 1949, or section 54 or section 55 of the Malabar Tenancy (Amendment) Act, 1951, the tenant may, within a month after due service of notice on an application to execute such decree or order or within six months of the commencement of this Act, whichever event happens earlier, file an application to the court which passed the decree or order, to amend the decree or order on the ground that such decree or order would not have been made if the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act were in force immediately before the passing of the decree or order. If, on such application being made, the court finds that such decree or order would not have been made if the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act were in force immediately before the passing of the decree or order, the court shall, after receiving such additional pleadings and such further evidence as it considers just and necessary, amend the decree or order so as to be in accord with the Malabar Tenancy Act, 1929, as amended by Madras Act XXXIII of 1951 and this Act. If no such application is filed within the time allowed or if such application is filed and dismissed, the decree or order may, subject to the provisions of the Code of Civil Procedure, 1908 (Central Act V of 1908), and the Indian Limitation Act, 1908 (Central Act IX of 1908), be executed in accordance with its tenor.

(4) The date on which any decree or order is amended under sub-section (3) shall, for the purposes of section 48 of the Code of Civil Procedure, 1908, and Article 182 of the Indian Limitation Act, 1908, be deemed to be the date of the decree or order.

R. V. KRISHNA AYYAR,

Secretary to the State Legislature.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS,
26th December 1953.

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DISSENTING MINUTES.

I

I had suggested in an amendment to section 8, clause (1), of the principal Act, that in the case of dry lands, the fair rent shall be one-fifth of the gross produce or three times the annual assessment payable in respect thereof, whichever is higher. A general principle of three times annual assessment in all cases is unfair. Revenue assessment cannot form a correct or proper basis for fixing the fair rent of dry lands. The revenue authorities in arriving at the assessment do not differentiate between one dry crop and another. In the case of dry lands, in many places in Malabar, especially in Palghat taluk, three times the assessment will be too low in the case of food crops like ragi, cholam, kambu, blackgram, horsegram, etc., and the disparity will be most marked in the case of commercial crops such as groundnut, cotton, tobacco, sugarcane, etc. The customary practice seems to be for the tenant to pay one-fifth of the gross produce to the janmi. This customary payment is referred to by Mr. Raghavendra Row, Special Officer, in his report at page 85. I am suggesting this amendment, therefore, for the consideration of the Assembly and the Council when the Bill is placed before them.

Though I agree with many of the conclusions set out in the report, in one matter, I feel I must express my dissent to the adoption of an amendment to section 14 of the principal Act, clause (5) and section 20, clause (5), which was not proposed in the Bill brought by Government and placed before the Select Committee. This relates to the right of the janmi to evict the tenant from that part of the holding he needs bona fide for the purpose of raising crops or other produce for his own maintenance or that of any member of his family. The amendment states that this right shall not be given to the janmi when the tenant has been in possession for twelve years or more. While this may give relief in hard cases where poor tenants are in possession of one or two acres, it affects seriously the large majority of poor janmis in Malabar. It is worth remembering in this connexion, that the jenmi, even according to the definition in the Malabar Tenancy Act IV of 1939, as amended by Act XXIII of 1951, is entitled to the absolute proprietorship of the land and to deny him the right of cultivation for his maintenance is a serious and unreasonable restriction on his rights of absolute proprietorship. The State should have the same solicitude for the poor jenmi as for the poor verumpattamdar. I see from the figures given in the memorandum of the Malabar Landholders' Association, Kozhikode, that out of a total of 271,469 pattas, the number of single pattas paying below Rs. 100 comes to Rs. 2,66,000. If a poor jenmi has been forced to go out for eking his livelihood and after some years returns to his own land to cultivate the land and live on the produce, he will find himself absolutely stranded and unable to do so.

MYLAPORE,
9th December 1953.

K. BALASUBRAMANIA AYYAR.

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II

I feel that the provision in the amending Bill which enables the landlord to raise the contract rent after the period of the contract when it is less than the fair rent as determined under the Act will cause great heart-burning and hardship to the tenants. A Bill intended to improve the lot of the tenants by lessening their burdens should not have the effect of adding to their present burdens. In many cases, especially in the cases of holdings under big jenmis, including kovilagams and devaswams, contract rent fixed with due regard to the money and labour spent by the tenants to make the holdings what they now are and acquiesced in by the landlords all these years would be raised severalfold if it is to be substituted by fair rent under the Act. This applies equally to wet lands and garden lands, though in the case of the latter the increase might be higher on account of the rise in the price of coconuts in the recent past. I am afraid a provision of this kind will produce adverse effects on the tenants, psychological as well as material, and has to be removed to ensure the welfare and the contentment of the tenants for whose benefit the Act is sought to be amended. There is also another important fact to be remembered. Government during the early stages of their deliberations which led to the enactment of Act XXXIII of 1951 placed the definite proposal before a conference of representative men held at Kozhikode and Madras that the amendment would provide for the payment by the tenants of fair rent or contract rent *whichever is less* and the failure to incorporate that proposal in the amending Act was quite against the hopes and expectations raised in the minds of the tenants. This was one of the points on which there was all-round opposition to the amending Act of 1951. It is, therefore, quite necessary that the present amending Act should not repeat the mistake of the last amending Act. I would, therefore, urge that section 28 should be so amended as to provide for the payment by the tenant of fair rent or contract rent, whichever is less. I had provided for this point in my Bill for amending the Malabar Tenancy Act of which I gave notice as early as 30th May 1952. Another point on which I disagree with the majority view of the Select Committee is with reference to the distinction made between sub-clause (5) and sub-clause (6) of clauses 14 and 20 of the Act in the matter of giving fixity to tenants who have been in possession of the land for twelve years and more. The scheme of the Act does not make any distinction between sub-clauses (5) and ~~(6)~~ as is illustrated by section 40 (2) under which a melcharthdar is denied the right of claiming possession on grounds 5 and 6. Again on the healthy

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principle contained in section 40 (2), I would also urge that the right of eviction granted to a landlord under sub-sections (5) and (6) of sections 14 and 20 should not be available to his transferee as the landlord can easily circumvent the provisions regarding fixity given to the tenants by the Act by making transfers in favour of his dependants or persons interested in harassing the tenant who might unlike the landlord satisfy the requirement of the Act regarding primary need for eviction.

TELLICHERRY,
13th December 1953.

M. SEETHI.

III

The tenancy problem in Malabar should not be satisfactorily solved unless the main principles of law and legislation are borne in mind. A tenant requires fixity of tenure so that the land to which he is so much attached may be developed and made to yield more. A fair rent should be fixed for each holding so that the cultivator may enjoy a fair share of the produce of his labours. The tenant wants the land which he cultivates to be regarded as his own, together with all the incidents of ownership subject only to the liability to pay fair rent to the landlord. Any legislation which ignores these fundamental principles cannot satisfy the tenants.

The proposal now is that a cultivating verumpattamdar who has been continuously cultivating the land for a period of twelve years cannot be evicted from his holding for the personal cultivation of the landlord and that a tenant who has been cultivating the land for a lesser period can be evicted for the primary needs of the landlord. This will be regarded as a half-hearted measure. It will actually benefit only a small percentage of landlords. It cannot be reckoned as being helpful either to those whom it is intended to protect or to those on whom an advantage is sought to be conferred. A cultivating verumpattamdar should be given fixity of tenure regardless of the period of his cultivation. This may, however, lead to some hardship in the case of small landholders who want to resume the land for their personal cultivation. It is, however, a choice of evils as to whether a small landholder should be deprived of the right to resume possession of his land or a still poorer tenant should suffer by reason of the eviction. It is necessary to prevent the hardship that may be caused to a poor landlord by depriving him of the right to resume his land for his personal cultivation in cases where the tenant is in enjoyment of large holdings. On grounds of social justice a limit may be prescribed in respect of the holdings both of the landlords and of the tenants. There are difficulties in the way, but they must be faced and solved if there is to be contentment in the land.

The landlord should be assumed of a fair rent payable in kind at the option of the landlord so that both the landlord and the tenant may have the benefits as well as the disadvantages of market fluctuations. A sort of partnership is to be established

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between the landlord and the tenant, so that both of them may be benefited by increased production. Failure to pay the fair rent should entail forfeiture of tenancy. Instead of prescribing rigid rules it is better to lay down elastic principles which may be applied by the Tribunal in determining fair rent in each case. The calculation of fair rent in the case of punjakoles and dry lands require revision. Fair rent cannot be arbitrarily fixed on the basis of assessment but must depend on the produce of the land. The cultivation expenses for each holding should be left to be decided by the Tribunal.

The question of ulkudis is a problem created by the Amendment Act of 1951. There are no large-scale evictions of ulkudi dwellers in Malabar. There is really therefore no need to make them tenure-holders and introduce further complications. Ulkudidars are only licensees allowed to live in huts put up in garden lands and cannot be entitled to permanent occupancy rights. The original provision in the Bill was that ulkudidars can be evicted on three years' notice being given to them. Now the proposal is to give fixity of tenure to those who were in occupation thereof for three years. There is neither equity nor any principle involved in this proviso.

The occupants of ulkudis are now sought to be given higher rights even than tenants. A tenant may be evicted under some circumstances but an ulkudidar cannot be ejected from his hut, although he may commit acts of waste or be a source of nuisance to others. If the hut belongs to the holder of the ulkudi he need not even pay rent.

MADRAS,
17th December 1953.

N. GOPALA MENON.

IV

While welcoming amendments to the Malabar Tenancy Act I am constrained to state that the present amending Bill as it emerges from the Select Committee is far from being satisfactory or complete. In appending this note of dissent to the Report of the Select Committee, on the Bill, I very much hope that the arguments put forward by me to safeguard the interests of the tiller of the soil would be appreciated.

The following extracts from Mr. William Logan's "Malabar" (1951 Reprint) would throw considerable light on the relationship between the "jenmi" and the "kudiyan" in Malabar:—

"The essential difference between a Roman dominus and a Malayalee jenmi was unfortunately not perceived or not understood at the commencement of the British administration. The jenmi has by the action of the Civil Courts been virtually converted into a dominus and the result on the workers, the cultivators, has been and is very deplorable"—Page 604.

"What he (the jenmi) pledged was evidently not the soil itself but only his share of its produce so far as that went . . . But the Civil Courts acting on the idea that the jenmi was a

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dominus and as such entitled to take what he could get out of the land, viewed his pledges as pledges of the soil itself, and in this way they have almost *completely upset the native system of customary sharing of the produce*”—Page 605.

“ Custom, not competition, adjudged the shares into which the produce was to be divided. The grant of freedom to a community thus organized meant (as soon as the custom had given way) freedom for the strong to oppress the weak; freedom for the *newly created proprietor* (the present day jenmi) to take an ever increasing portion of the share of the nett produce left over after paying the government dues. What wonder then, that the **DRONES IN THE HIVE HAVE PROSPERED AND GROWN FAT OR THAT THE WORKING BEES HAVE BECOME FAMISHED AND LEAN!** ”—Page 683.

The learned author was of the view that customary relations were disturbed in favour of the jenmi after the British rule and the kudiyan (tenant) who had a very stable right in the soil under his cultivation found his position insecure only thereafter. All the world over exclusive possession and occupation resulted in private ownership of property. The origin of property in Malabar must have been only the same. To cover it up and to maintain that the whole of Malabar was gifted to the jenmis by the mythical hero Parasurama who is supposed to have redeemed the land from the sea, without any basis for such a supposition, was one among the several clever manipulations the lazy men of the day indulged in to hoodwink the ardent worker. “ Sages who knew former times . . . pronounce cultivated land to be the property of him who cut away the wood or who cleared and tilled it ”, observes Manu. The Rajas, Devasthanams and Namboodiris of Malabar who were the jenmis were prevented from cultivation or clearing of jungles on account of their duties and their inclinations. On the other hand the “ Cheramas ” (the children of CHERA—of Kerala—as the term means) and the “ Kanakkars ” were in flesh and blood on the soil clearing it or tilling it so that one cannot easily wipe them out as any other than the original proprietors of land in Malabar. It may not be far from being true to maintain that the present day jenmi was at one time only a guardian or a kind of a watchman appointed by the tillers of the soil or chosen by them to protect them from possible aggression and who was paid for the service a remuneration in the form of a customary share in the produce without giving them any right whatsoever in the land itself. British administrators and the civil courts which functioned under the British rule failed to perceive this peculiar position of a jenmi in Malabar and very wrongly declared him to be the absolute owner of the land. *Agitation for tenancy reform in Malabar has been an agitation to rectify this wrong done by the British to the true proprietor of the soil, the “ kudiyan ” of Malabar, the actual cultivator, who now stands expropriated.*

Mr. William Logan reported in 1881 that the only person interested in the soil to whom the Government should look was the actual cultivator so that it was in the interest of the public that eviction should be prevented. His report did not find favour

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with Government who referred the matter to a special commission which was presided over by Sir T. Madhava Rao. The commission after a detailed investigation submitted its report to Government in 1884 adopting the view of Mr. Logan and strongly recommending fixity of tenure to the tiller of the soil. The then Chief Justice of Madras blew up the report opposing any measure providing for fixity of tenure. Thereupon Government constituted another Committee hoping that they would suggest a more "agreeable" measure. The Committee which was presided over by Mr. Master submitted its report recommending payment of compensation for improvements on eviction which resulted in the "Malabar Compensation for Tenants Improvements Act of 1887." The Improvements Act did not have the desired effect of preventing capricious eviction of tenants from holdings. Discontent remained and agitation for fresh legislation continued. In 1900 the then Collector of Malabar who was convinced about the "melcharth" evil in Malabar recommended enactment of the "Melcharth Bill" to prevent "melcharth" and consequent eviction. Government refused to act on the recommendation. In 1915 Mr. Charles Innes, who was then the Collector of Malabar, realizing the extreme difficulties under which the tenants were groaning submitted a report to Government requesting for immediate steps to remedy the evils of insecurity of tenure and rack-renting in Malabar. He observed that it was a matter of economic necessity to give fixity of tenure to the tenant as the extension of cultivation would be greatly accelerated if the tenants who reclaimed the lands were given complete protection against eviction. Nothing was done by Government and in 1921 the Mappilla Rebellion which is supposed to be the tenants' revolt having taken a different turn broke out. In 1928 the Raghaviah Committee which was entrusted with the duty of going into the question of further tenancy reform for Malabar submitted a detailed report and the Malabar Tenancy Act XIV of 1930 followed. It was not a comprehensive piece of legislation. Evictions were made possible in several cases and harassment of the tenant continued with greater vigour. There was complete discontentment on the side of the tenants and in 1939 Government constituted the Kuttikrishna Menon Committee to investigate and report on certain points relating to land tenure in Malabar including the necessity to provide fixity of tenure to the tenure-holders. The Committee after a detailed investigation submitted its report and recommendations in 1940. The majority of the members of the Committee came to the conclusion that the farmer was the original owner of the soil. They recommended the grant of fixity of tenure for all classes of lands except lands transferred for felling timber, fugitive cultivation, etc., prevent evasion of legislation which was so common the Committee also recommended the grant of fixity of tenure to any mortgagee whose mortgage is shown to have been granted in place of tenure. On the question of rent the Committee recommended that no tenant should be compelled to pay more than the fair rent. Nothing turned upon this report except that a Special Officer was deputed in 1947 for the investigation of land tenures in Malabar on the recommendations of the Malabar

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Tenancy Committee. The said Special Officer, Sri N. Raghavendra Rao, submitted his report in due course and the matter ended there. In 1951 Government realizing the immediate necessity for betterment of the conditions of the tenants passed the Malabar Tenancy (Amendment) Act XXXIII of 1951 which came into force on 15th March 1952. The Act was found to be defective in several respects. The provisions made for eviction, for fixation of fair rent and for settlement of what was called a record-of-rights found no favour with the people of Malabar and agitation was more intense than before to revise the whole enactment bearing in mind the absolute necessity to grant unqualified fixity of tenure to the tiller of the soil securing only a fair rent to the landlord. The Act instead of providing fixity of tenure for the tenant enabled eviction in more cases than before. By sections 14 and 20 eviction on account of need to extend a temple or *other place* on a certificate from the Collector of the district to the effect that the tenant's holding is needed for the purpose was made possible. The scope for eviction on the ground that the holding was needed by any member of the landlord's family was enlarged by adding a wide explanation to the term "member of the family." Provisions were made for the protection of *ulkudis* and *kudikidappus* but those provisions were made applicable only to a negligible area, viz., Fort Cochin, while there was a crying need to make them applicable to the whole of Malabar. Huts and not houses were protected as *ulkudis*. Melcharth was provided for and evils remained. The Rent Settlement Authority which functioned under the Act was an unwanted nuisance to the cultivator and a drain on the State's funds. There was a clamour for further legislation and it was in this background that the present Bill was brought forward.

Instead of improving upon the definition of "*ulkudi*" and "*kudikidappu*" the present amending Bill has mutilated the original definition and it would appear as though the *ulkudi* tenant has to cling on to the superstructure of his hut and not stay on the site and the appurtenant land so absolutely needed for his residence. While the amending Act of 1951 defined "*ulkudi*" as *any portion of a garden land* the present Bill seeks to restrict the definition to *a hut in any portion of a garden land or dry land* so that once the hut falls down the *ulkudi* ceases. It is my view that the definition should remain as it is in the amending Act of 1951 with the following additions to it:—

After the words "*garden land*" appearing in the definition, the words "*or wet and dry land*" should be added and after the word "*hut*" in the same definition the words "*or house*" should be added. After such additions the provisions relating to *ulkudis* and *kudikidappus* may be extended forthwith to the whole of the Malabar district. There is no necessity to disturb the existing definition except to the extent suggested herein and any further disturbance to the detriment of the poor will foment further trouble. The present Bill is markedly retrograde compared to the amending Act of 1951 in the above respect.

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My next suggestion will be to repeal the whole of sections 14 and 20 of the Malabar Tenancy Act as they now stand. Section 10 of the Act gives fixity of tenure to the tenure-holder while sections 14 and 20 permit eviction on numerous grounds. What is given by the right hand is taken away by the left. Once it is understood that the Malayalee landlord had only an interest in a share of the produce and that he had no title whatsoever to the land, the absolute necessity for the abrogation of sections 14 and 20 of the Act becomes very evident. The tiller of the soil is its proprietor except when he is a paid-agricultural labourer. That the tiller of the soil was the owner of it in Malabar has also been revealed by the investigations of eminent men in the field. The landlord was only benefitting under a customary sharing of the produce without any title to the soil. *His customary right to a share of the produce alone needs protection* to maintain the equilibrium. This is well protected as there are ample provisions in the Act now itself providing for security of rent to the landlord. If the rent is kept in arrear, section 41 of the Act provides for a charge on the interest of the tenant and the charge can be enforced by bringing to sale the tenant's rights through Court. If a landlord wants the tenant's land for himself, instead of paying value of improvements through Court, leave him to purchase the tenant's right in the open market if the tenant chooses to sell. The necessity to give fixity of tenure to the tenant was recognized and recommended for by almost every committee and individual appointed for the purpose by Government from 1881 up to the present day. It will be therefore unsound to ignore the consensus of expert opinion on the subject and bring out an Act to please the richer people of the realm alone.

MADRAS,

25th December 1953.

A. APPU.

V

While I am in general agreement with the Bill as piloted by the Hon'ble Minister for Law, I wish to add the following:—

(1) Wherever the words "Rent Court" occur, the words "Civil Court" shall be substituted in the Act.

(2) In the matter of the rent payable by the tenants to the landlords, "fair rent or contract rent, whichever is less" shall be imported in the Acts.

26th December 1953.

V. R. NAGARAJAN.

VI

There are certain basic facts underlying any attempt to amend the Malabar Tenancy Act:

(i) the existing Act, even as amended by the 1951 Act has been found to be unsatisfactory in many important aspects and has provoked profound discontent among the agricultural classes of Malabar;

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(ii) there are significant features about Malabar land tenure which make the problem different from measures regulating landlord-tenant relationships in other parts of the State;

(iii) it is in consonance with democratic principles and the peculiarities of the case that the representatives from Malabar should have the predominant voice in determining the changes required suitably to the wishes of the Malabar people who, ultimately, have the right to determine this issue.

The vital concern and interest in the matter of the amending Bill for the people of Malabar is best respected by the representatives of the various affected interests being heard and given the virtual right to decide upon the necessary amendments. A conference of Malabar M.L.As. and M.L.Cs. and M.Ps. would be the best conceivable method by which a formula for amendment could be forged. Indeed in the earlier discussions of the Select Committee, even the Government members informally agreed to a conference as sketched above to be convened or attended by the Minister for Law and to be held at Kozhikode. The propriety of consulting leading men from Malabar belonging to political parties not represented in the Select Committee was more or less accepted when Sri Kelappan and Sri Govinda Menon were specially invited for the Select Committee meeting and the Select Committee converted itself into a kind of informal conference. Although Government members coquetted with the idea, they did not pursue it seriously. No conference was held, no agreed formula of Malabar Members of the Legislature was sought and the Select Committee proceeded with its deliberations and produced certain results not altogether happy nor even indicative of an awareness to the realities of the Malabar agrarian problem.

Technically speaking and approaching the whole question in a narrow legalistic manner, only those amendments to the Malabar Tenancy Act which are touched upon by the amending Bill, could be considered by the Select Committee. Indeed the Government measure is so scrappy and inadequate and omits to deal with the major issues involved in the problem that the containment of the possible changes to be brought about by the Select Committee within those limits would be foredoomed to failure. We, among others, had therefore raised this question at the earliest stages of the Committee's meetings and had demanded of the Chairman and the Chief Minister that the entire Parent Act must be available for discussion and change. This had also been more or less agreed to by the Chief Minister at the committee meetings provided some kind of unanimity existed on the proposals for amendment among the members from Malabar. In the later discussions, however, many of the important amendments of sections not covered by the Bill were not considered, with the result that the amplitude of the changes sought to be brought about by members like us was not available; the result was obviously unsatisfactory from our point of view. Unless the entire Parent Act is thrown open for discussion, change and amendment, the real demands of the Malabar tenantry will hardly be met.

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For the above reasons, we broadly express our dissent to the procedure adopted at the Select Committee meetings in regard to the scope of the discussions and the failure to have consultations with the representatives of various interests on land in Malabar and the Kisan organizations and also the failure to hold enquiries in the district regarding the needs and grievances of the ryots in Malabar bearing on the question of Tenancy Reform.

While we are convinced that only a reorientation of agrarian policy based on the motto "land for the tiller" conformably to the Constitution (and not mere amendments to an outworn statute which postulates the permanent existence of landlordism and seeks only to reduce the friction between landlord and tenant) leading to a bold new legislation will really answer the needs of the situation; yet, at least as a temporary palliative and as a step in the right direction, substantial changes in the key provisions of the existing Tenancy Act might be very desirable. But we have been disappointed.

In regard to eviction, some general discussion took place, but the ultimate decision has not been very satisfactory. Complete immunity from eviction should be conferred on the cultivating tenant except in respect of the extent he has over an optimum size of holding, say, 5 acres. There should be a distinction between petty landlords (now large in numbers) and the big landlords and similarly there should be a clear difference drawn between the ordinary, average tenant who is principally an agriculturist and those who are very big tenants and have large extents under them (oftentimes as intermediaries) and have some lucrative non-agricultural vocation to boot. When society is complicated, complicated patterns of law to deal justly with categories must also be promulgated.

Dealing with fair rents, the Select Committee's conclusions have not been very agreeable in the light of the demands of the ryots of Malabar. Where the contract rent is different from the fair rent, the rent which is to be payable must be the lessor of the two—this is an agitation and a demand universally approved in Malabar. The various reasons in support of this demand urged at the meeting were not acceded to, probably because not all the non-Malabar members could not appreciate the feelings of the people of Malabar in this regard. Those reasons are briefly as follows:—

(i) Landlords have not clamoured for increased rentals but it is the tenants who have asked for reduction in the past. It is the weaker party, the tenantry, who has to be given protection in all legislation of this character, and not the stronger party, the landlords. The latter could, in equity, be tied down to their contract. There is thus no justification, historically speaking, to increase the rent over the contract rent; it will be like an unexpected boon to landlords if, under the guise of fixing fair rents, they are given a sudden increase;

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(ii) that this is the effect of fair-rent fixation according to the present formula, is particularly obvious to those who are familiar with conditions in garden lands of Malabar. Where a tenant pays Rs. 100 now for a garden, the application of the fair-rent principle would result in its being multiplied several times; and in certain cases he may have to pay even a thousand rupees in the place of a hundred. And remember, garden lands are by far, the main kind of agricultural land in Malabar; most often the improvements on those garden lands are made by the cultivating tenant at great expense and after hard toil for years, since the land, to start with, was just waste;

(iii) this fact was half conceded even by the knowledgeable Law Minister of the previous Government. In the Bill to amend the Malabar Tenancy Act brought in 1950, this provision now demanded by us had been included. Even the present Law Minister must be conscious about it and that is why he is seeking to put a clog, though nugatory, on the landlord's right to get the fair-rent fixed only at the end of three years from the date of this Act. Even the benefit in the existing Act, of spreading over the increase in rent (consequent on the fixation of fair-rent) through a period of fifteen years is now sought to be removed. The present move of Government without acceding to the demand "contract rent or fair rent whichever is less" will be an unkind cut to the tenants, but an unsought for blessing to the landlord;

(iv) the impact of the fair-rent provisions without the safeguarding cause suggested above is so ruinous to the tenants that all political parties and Kisan Organizations working in Malabar have unanimously supported the "whichever is less" principle. It is unfortunate that Government's sense of justice does not enable it to see the justice in this demand.

Fugitive cultivation (punam) is an extensive practice for the poorer ryots and landless agriculturists of Malabar. This is an arduous kind of cultivation in the hills and jungles. We demand, as suggested by the Kuttikrishna Menon Committee that the provisions regarding fair-rents for the dry lands (twice the land revenue) be extended to fugitive cultivations.

The *modus operandi* for fixing fair-rents is, according to the amending Bill, to be rent courts presided over by Revenue Divisional Officers. Faith in popular representatives would take us to panchayat boards as the best Tribunals for fixing fair rents as they have the requisite knowledge of the local conditions and proceedings will be cheap for the parties. Whenever there are no panchayat courts, a Three-man Tribunal representing tenants, representing landlords and the third a Government Officer would take that place. Right of appeal to the District Munsifs will correct perverse findings, if any, by panchayats boards. The next best is the civil courts. There are about twenty courts in Malabar and so easy accessibility for ryots. Revenue Divisional Officers are few and far between. The cost of legal service in the munsif's courts is much less than before the Revenue Divisional Officers. The competency to deal with civil law is next to

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nothing for the Revenue Divisional Officer. Ultimately the Revenue Divisional Officer will simply okay the Revenue Inspector's report. Thus the Revenue Inspector of the circle will be the arbiter of fair-rents, in the last analysis. What with numerous kinds of work of a miscellaneous sort allotted to the Revenue Divisional Officers, they will hardly find time for the comparatively less important work (from their point of view) of fair-rent fixation. Delay in civil courts can be eliminated by prescribing special procedure. The cost of commission batta can be reduced by having a panel of Commissioners and other suitable regulations. On the whole courts with the Revenue Divisional Officers as Judges are an unwholesome machinery for fair-rent fixation. We press for panchayat boards being made rent courts failing which District Munsifs may be made rent courts.

We endorse the suggestion made at the Select Committee that restrictions must be put upon landlords attempting to circumvent the provisions regarding non-evictability by transferring lands in the name of dependents who might be seemingly needy. We also endorse and commend for consideration by the Legislature the amendments proposed by the Malabar Kisan Sangham and those contained in the Malabar Agrarian Relations Bill introduced by one of us.

Regarding the fixation of fair-rents for wet lands, a controversial question arises regarding the expenses of cultivation. Under the existing provision, 22 paras of paddy have been provisionally fixed. But considerable agitation has been carried on, based upon actual facts regarding the inadequacy of this figure. As a matter of fact, as early as 1947 the K.P.C.C. Sub-Committee on Land Reform recommended 25 paras as the expenses required per acre. This is the minimum. In actual practice, the North Malabar fields have been found to require considerably more; in certain cases going up to 40 paras per acre. A reasonable *via media* would be 30 paras per acre which we commend for acceptance by the legislature.

Fair-rents of pepper gardens, as fixed by the majority view of the Select Committee elicits our dissent. In all these cases, dry, infertile lands are leased and the entire pepper vines are planted up by the tenant. Under the existing provisions, in respect of tenants' vines in garden lands, one-eighth of the produce is the fair-rent; dry lands being far inferior to garden lands, the fair-rent must be a lesser proportion, certainly not more than one-eighth. So we suggest that one-tenth of the produce shall be the fair-rent.

In regard to arrears of rent we suggest that a payment of nothing more than two years' rent should be deemed to be a statutory discharge of all arrears of rent. The Madras Agriculturists' Relief Act, 1938, provided likewise. It is common knowledge the agriculturists of Malabar are now more sunk in indebtedness than even in 1938, thanks to continued failure of seasonal rains during the past several years. A six-year deposit within one

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year will be so heavy a burden on the ryot as to amount to a denial of the benefit of wiping up of arrears; and if arrears exist eviction will follow. Thus, if our recommendation of a two-years' deposit were not accepted even the provisions restricting evictions will become futile. The calamity consequent on the insistence of a six-years' deposit would be so serious and widespread that even the other benefit, conferred by the amendments would vanish.

The deletion of section 52-A would be catastrophe. The need for re-opening transactions contemplated by that section still remains, as landlords have been circumventing tenancy legislation by converting what in fact and substance is a lease into a mortgage to facilitate eviction. The mere fact that the Rent Settlement Authorities are to be abolished is no excuse for taking away the substantive right which can be adjudicated upon hereafter by the substitute authority created, viz., rent courts.

With the above observations we conclude our minute of dissent.

Madras,
26th December 1953.

V. R. KRISHNA AYYAR,
T. C. NARAYANAN NAMBIAR.

VII

I agree to the above dissent so far as it relates to the question of 'fair-rent'. At least, a limit should be placed on the increase, say, about 20 per cent.

26th December 1953.

K. BASHYAM.

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TRUTH ALONE TRIUMPHS